Mail Routing Slip

Date: 1/24/75

To: Councilmember Julius Hobson

Comments: If you have a copy I'll see that I get sent to the sewer)

Sandy Brown: Please send — thanks.

Sent.

Lorraine McCottry

HERBERT LEVY
6412-57 AVENUE
RIVERDALE HEIGHTS,
MARYLAND 20840

Dear Mr. Hobson,

Approximately one year ago, I mailed a check to the Washington Institute for Quality Education for a copy of your book The Damned Information. Since that time I have written once, and spoken to you twice on the phone, most recently 1½ weeks ago, in an attempt to obtain a copy of that book. I can certainly appreciate how busy a sceduke you maintain, but I very much want to obtain the book. If you wish, I will send you another check for the book.

Sincerely,

Herbert J. Levy

RECEIVED
JAN 24 1975
Julius Hobson, Sr.
Councilmember-At-Large

RECEIVED

JAN 24 1975

Julius Hobson, Sr.
Councilmember-At-Large

H. LEVY
6412-57TH AV.
RIVERDALE HTS. MD. 20840

U.S. POSTAL SERVICE, VA 220
PM
23 JAN
1975

Julius Hobson
c/o D.C. City Council
District Building
Washington, Columbia 20004

RECEIVED
JAN 24 1975
Julius Hobson, Sr.
Councilmember-At-Large

I tried for letter

CURRICULUM VITAE

WILLIAM JOSEPH MOORE

| | |
|---|---|
| BORN: | February 25, 1940, Elyria, Ohio |
| ADDRESS: | 240 M Street, S.W., Apt. E711<br>Washington, D.C. 20024 |
| PHONE: 488-4263 | (home) (office) |
| 1968-69 | Emerson Institute, Washington, D.C. (General Education) |
| 1969-71 | American University, Washingtin, D.C. (Elementary Education) |
| 1971-72 | Harvard University, Cambridge, MA (Early Childhood Education) |
| 1972 | Master of Education, Harvard Graduate, School of Education, Cambridge, MA |
| 1971 | Research Assistant in Education, Harvard Graduate, School of Education |
| 1972 | Teaching Fellow in Education, Harvard Graduate, School of Education |
| 1973 | Associate in Pediatrics, Harvard Medical School |
| MEMBERSHIPS: | National Association for the Education of Young Children<br>International Association for the Education of Young Children<br>Day-Care and Child Development Council of America |
| MILITARY SERVICE: | Served seven years in the United States Air Force, discharged honorably in November 1967. |
| FOREIGN TRAVEL: | Japan, Korea, Vietnam, Philippines, Denmark, Sweden, Finland, France, Germany, Latin America, Canada, Holland. |

## PROFESSIONAL EXPERIENCES SINCE 1967

- ORGANIZED TUTORIAL AND RECREATIONAL PROGRAMS FOR 250 CHILDREN AT OUR REDEEMER CHURCH IN 1967. COORDINATED STUDENT TUTORS FROM THE UNIVERSITY OF MARYLAND, GEORGE WASHINGTON UNIVERSITY, AND CATHOLIC UNIVERSITY, AND OTHER VOLUNTEERS.

- ORGANIZED APPROXIMATELY 45 TEENAGERS INTERESTED IN LEARNING AEROSPACE SCIENCE AT OUR REDEEMER CHURCH IN 1968 INTO CIVIL AIR PATROL UNIT.

- DIRECTED INNER-CITY/SUBURBAN CONTRAST STUDY IN 1969 WITH 75 STUDENTS THROUGH THE SOCIOLOGY DEPARTMENT AT THE AMERICAN UNIVERSITY. FIVE TEAMS PRODUCED FILMS, COLLECTED DATA, DID GRAPHIC STUDIES, AND PRESENTED RESULTS. THE EIGHT-WEEK STUDY WAS CONDUCTED IN THE DISTRICT OF COLUMBIA AND ITS SUBURBS.

- WAS INSTRUMENTAL IN THE REORGANIZATION OF THE SOCIAL ACTION COUNCIL WHILE VICE-CHAIRMAN OF THE COUNCIL, 1969-71. SERVED ON UNIVERSITY DECISION-MAKING COMMITTEE AS REPRESENTATIVE OF SAC.

- IN 1970, ARRANGED MEETING BETWEEN HOWARD UNIVERSITY AND AMERICAN UNIVERSITY STUDENTS FOR COOPERATION ON HOWARD UNIVERSITY MISSISSIPPI PROJECT. THE PURPOSE OF THE PROJECT WAS TO PROVIDE HEALTH CARE FOR THE POOR OF MARKS, MISS.

- SERVED AS SPECIAL ASSISTANT TO THE VICE PRESIDENT OF STUDENT LIFE CONCERNING STUDENT AFFAIRS, 1969-70.

- SERVED AS CONSULTANT TO THE COLLEGE OF CONTINUING EDUCATION. AIDED IN NEGOTIATIONS AND LIAISON WITH THE COMMUNITY IN ESTABLISHING A NEIGHBORHOOD CAMPUS CENTER AT OUR REDEEMER CHURCH WHERE MEMBERS OF AU FACULTY TAUGHT NUTRITION, HEALTH CARE, AND PROVIDED LEGAL SERVICES.

- STARTED SATURDAY "SOUL" BREAKFAST WITH THREE STUDENTS ENROLLED IN INNER-CITY EDUCATION, A COURSE TO INSTRUCT YOUNG PEOPLE IN THE USE OF SURPLUS FOODS. A RECREATION PROGRAM WAS PROVIDED ALSO.

- RECEIVED TEACHING ASSISTANTSHIP FROM THE AU DEPARTMENT OF EDUCATION, SPRING SEMESTER, 1970, TO ESTABLISH RAPPORT WITH DISTRICT OF COLUMBIA PUBLIC SCHOOL PERSONNEL. COORDINATED SOME ACTIVITIES BETWEEN AU STUDENTS IN INNER-CITY EDUCATION COURSES AND PUBLIC SCHOOL STUDENTS. BROUGHT IN ELEMENTARY SCHOOL STUDENTS TO TALK WITH FOUNDATIONS OF EDUCATION STUDENTS.

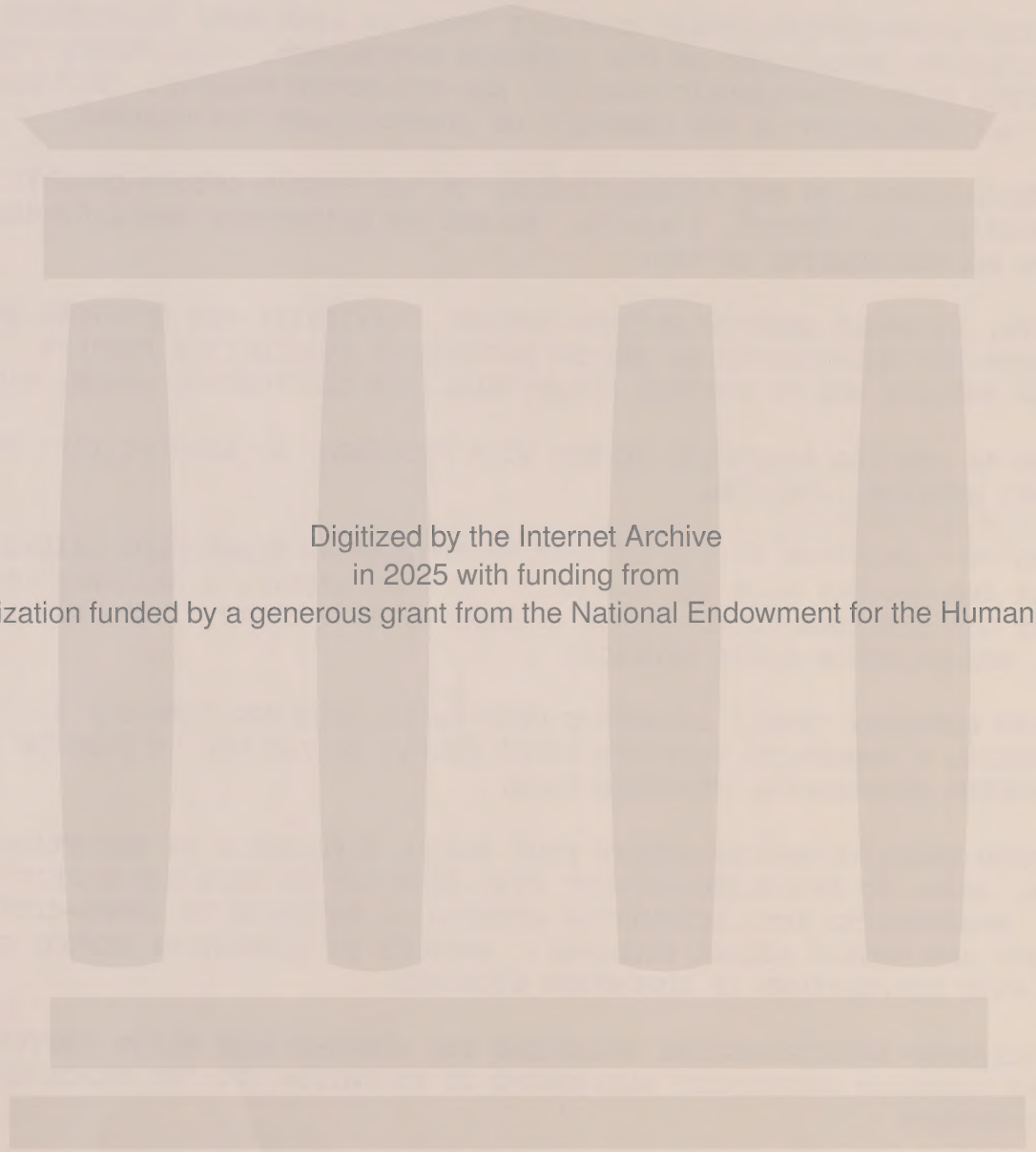
- PARTICIPATED IN DISCUSSIONS REGARDING THE ADAMS-MORGAN YOUTH CENTER, A PROJECT OF THE AMERICAN UNIVERSITY DEPARTMENT OF EDUCATION AND THE BLACK COMMUNITY OF ADAMS-MORGAN.

- ORGANIZED WALKING TOURS OF THE AU CAMPUS FOR WASHINGTON, D.C., ELEMENTARY SCHOOL STUDENTS.

- WAS DESIGNATED BY PRESIDENT WILLIAMS IN APRIL AS PART-TIME ADMISSIONS COUNSELOR TO RECRUIT STUDENTS FROM THE DISTRICT HIGH SCHOOLS.

- WAS INSTRUMENTAL IN OBTAINING AU SCHOLARSHIPS FOR NEEDY STUDENTS.

- SERVED ON AD HOC COMMITTEE FOR SELECTING A NEW ACTING CHAIRMAN FOR THE DEPARTMENT OF EDUCATION.



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https://archive.org/details/box40_m

--ESTABLISHED A COFFEE HOUSE AT THE OUR REDEEMER CHURCH.

- ASSISTED IN THE DEVELOPMENT OF A BREAKFAST PROGRAM AT THE POTTER'S HOUSE, A COMMUNITY CENTER.

- DEVELOPED PROPOSAL FOR A COMMUNITY SCIENCE WORKSHOP IN MARINE BIOLOGY FOR 65 STUDENTS FROM THE DISTRICT SCHOOLS WITH MR. RUBEN PIERCE, DIRECTOR OF SECONDARY SCIENCE EDUCATION.

- WAS APPOINTED BY THE URBAN SERVICE CORP. TO OPEN CHANNELS OF COMMUNICATION BETWEEN VARIOUS UNIVERSITIES IN THE D.C. AREA TO COORDINATE EFFORTS OF VOLUNTEERS.

- SERVED AS A 1971 SUMMER PUBLIC SERVICE INTERN WITH THE OFFICE OF PLANNING AND PROGRAM COORDINATION, DAY CARE UNIT, STATE OF MASSACHUSETTS. PARTICIPATED IN PLANNING DAY CARE AND PRE-SCHOOL PROGRAMS; ALSO ACTED AS ADVISOR TO THE CHAIRMAN OF THE GOVERNOR'S ADVISORY COMMITTEE ON CHILD DEVELOPMENT.

- ORGANIZED SEMINAR FOR 50 STUDENTS ENROLLED IN DAY CARE COURSE AT HARVARD UNIVERSITY SUMMER SCHOOL. SEMINAR INVOLVED SPEAKERS FROM VARIOUS AREAS OF CHILD CARE. ALSO CONDUCTED TOURS OF VARIOUS CENTERS IN THE BOSTON AREA.

- SPENT THREE WEEKS OBSERVING DAY CARE AND CHILD DEVELOPMENT PROGRAMS IN DENMARK, SPAIN, AND CENTRAL EUROPE.

- APPOINTED RESEARCH ASSISTANT IN EDUCATION BY THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE, 1971-72.

- APPOINTED RESIDENT TUTOR, DUDLEY HOUSE, HARVARD COLLEGE, 1971-72.

- SERVED AS PLANNER AND COORDINATOR FOR CONFERENCE AT HARVARD GRADUATE SCHOOL OF EDUCATION: "ENVIRONMENTS FOR YOUNG CHILDREN," A MULTI-NATIONAL CONFERENCE FOCUSING ON CURRENT ISSUES IN EARLY CHILDHOOD EDUCATION.

- SERVED AS URBAN EDUCATIONAL CONSULTANT TO LESLEY COLLEGE, CAMBRIDGE, MASS.

- APPOINTED RESEARCH ASSISTANT IN EDUCATION BY THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE, 1971-72.

- APPOINTED RESIDENT TUTOR, DUDLEY HOUSE, HARVARD COLLEGE, 1971-72.

- SERVED AS PLANNER AND COORDINATOR FOR CONFERENCE AT HARVARD GRADUATE SCHOOL OF EDUCATION: "ENVIRONMENTS FOR YOUNG CHILDREN," A MULTI-NATIONAL CONFERENCE FOCUSING ON CURRENT ISSUES IN EARLY CHILDHOOD EDUCATION.

- SERVED AS URBAN EDUCATIONAL CONSULTANT TO LESLEY COLLEGE, CAMBRIDGE, MASS., SPRING 1972.

- SERVED AS SOCIAL-WORK CONSULTANT TO CASTLE SQUARE DAY CARE CENTER, SPRING 1972.

- APPOINTED TEACHING FELLOW IN EDUCATION BY THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE, 1972.

- APPOINTED ADVOCACY PLANNER FOR SOCIAL ILLNESS STUDY (HEW PROJECT), CHILDREN'S HOSPITAL MEDICAL CENTER, BOSTON, MASS., SUMMER 1972.

- GUEST, SWEDISH INSTITUTE, STOCKHOLM, SWEDEN. TO OBSERVE DAY CARE AND CHILD DEVELOPMENT, FALL 1972.

- APPOINTED ASSOCIATE IN PEDIATRICS, HARVARD MEDICAL SCHOOL, BY PRESIDENT AND FELLOWS OF HARVARD COLLEGE, 1972-73.

- APPOINTED TO PART-TIME FACULTY OF GRADUATE STUDIES, BOSTON STATE COLLEGE. CURRENT ISSUES OF DAY CARE, SPRING 1973.

- SERVED AS FORUM CHAIRMAN FOR WORKSHOP ON DAY-CARE, AT THE ROXBURY'S CHILDREN SERVICE , SPRING 1973.

# NARRATIVE

The deprived black child in Ohio ages as rapidly as the deprived black child in Alabama and Mississippi. Geographical location does nothing to ameliorate the necessity of learning survival skills before one learns to walk.

So it was with me, a black child in a ghetto home in Elyria, Ohio. Survival meant potato-chips and soda-pop for a combination brunch and dinner, and hunger as a constant companion because stealing wasn't in style then -- and besides a church-going, hell-and-brimstone preaching grandmother who had inherited my two sisters, brother and me, because of the early death of our mother, made the fear of hell more vivid than even the gnawing of our bellies. By age three, I was a hardened realist; by age six I was cowed into a simmering semblance of submission by the alien surroundings of a classroom and by the haughty, milk-white faces of my classmates. By eight, I was cautious and suspicious -- and still hungry. I was hungry, I realize now, for more than food, or clothing. Such hunger doesn't breed despair, nor self-pity. It generates good, healthy hostility which gave me the strength to survive in a world where many black children had perished.

An arrogant black teen-ager wears the face of a despot as his actions shout, "Look at me! I'm Mr. Big," but inside he seethes with warmth because he's caught up in this "black thing" -- and since black means inescapable inferiority, the teen-ager flails about in his self-contempt seeking power over anyone weaker than he. School attendance seemed diabolically opposed to getting bread; Army pay seemed vastly superior to jail. At age sixteen, it is simple to convince the Army that you're really eighteen. Barracks life was cozy, warm, and the routine included three square meals a day. Besides, it was filled with "Opportunities."

Once I learned to be a soldier, I began to learn what it really means to be black. The game amounts to: apply for detail and to be told that the job requires a high school diploma, and fundamentally, when you get right down to it,

you don't have a high school diploma because you're black. And somehow you feel black, and you eat black, and you hate black, and you hate people who call you black -- or who even look as though they are thinking of you as black. And you shout at them to "shut up!" but they didn't really say anything.

So you make your own kind of Opportunities. I began to figure the system of living, and I did it through trial and error. Although you're a boy, you can't cry, because you made the decision to be a man. Your premature advent into maturity exposes you to experiences ranging from a plethora of Oriental women to the razor-sharp thrills of being, objectively, the target for bullets, and shells, and death howling booze. You come out of such experiences being either ruined or ready. I was ready.

Civilian life, at age 22, in New York City is a series of major adjustments. I avoided living in the jungle of Harlem with care, while I worked at various jobs, and frequented Malcolm X's Mosque, and the Apollo Theater. I learned to love the black life flowing around me, and began to extend myself from inward to outward. I shared the vicious cycle of ghetto life. I was a part of the scene. I understood the captive urban children around me and watched their knowing eyes as they watched the gutsy life around them. For four years I was taught by black, and sometimes white, New York, as only a skewed system can teach.

I swaggered into AIR FORCE service -- an AIRMAN of fortune -- a mercenary -- an adventurer. My "self" intact, I could afford the luxury of air travel at the taxpayer's expense. Even suicide in Vietnam seemed a lark. Euphoria? Better than the existential existence. Those kids in New York had blown my mind. I couldn't get over what faced the little black unwanteds. Rotation by bombing-runs from the Philippines to Vietnam seemed a tragic waste of the world to me. Vietnamese kids have haunted looks, too. Their ribs stick out and they are numb to terror. A TDY in Da Nang teaches too much about the human condition. I wanted OUT. But I was lucky. An analphylatic reaction to cholera and plague sent me back to the world of Walter Reed Medical Center. After a year, I was discharged to the streets of Washington, D. C. The best place for a black to earn bread in D. C. is the U.S. Post Office. Traditionally, even black Ph.D.'s find a haven for supplementing their salaries there. The Post Office seemed a stagnant backwater to me. It reeked of accommodation to a life without challenge. It stifled creative thought. Besides, the stamp of inferiority chafed

me. No high school diploma at age 27 made me violently ill with self. At just the opportune moment for my psyche, the Washington riots happened all around me. I roamed the streets in shock witnessing the fury of a captive society vent itself in false freedom. The ghetto city burned -- and the children looted with abandon.

They told me it would take two years to get a high school diploma. I told them I didn't have that much time. So, I crammed two years work into nine months, and applied to American University for admission as a college freshman. And it was at American University that I found a strange total for my life. I found that I had enough energy to take an over-load of courses while I took leadership roles in both the university community and the city; I found that I grew in leaps and bounds when I was given responsibilities. I found academic ideas challenging, and many people interested in my ideas. I found that my interest in early childhood development was part of my life-total.

In addition, I believe that I found something more valuable. My own early childhood experiences, the faces of the children of Harlem, the large, pain-numbed eyes of the Southeast Asian children came into sharp focus for me. With a keen sense of urgency I came to realize that there is an answer and it came to me when I least expected it.

As a part of a self-assigned task in one of my courses, I negotiated to bring a mid-city junior high school class of black children to American University. As I went through the halls of the junior high school, and watched the children, it came to me that the "hurt" had already happened to these children. Later, during a course, Inner-City Education, the same thought occurred to me as I watched some elementary school children. I knew intuitively that the time of crisis for a child is in the beginning -- in the womb -- where the time-bomb of hunger is placed in the umbilical cord leading straight into that fetus. Where later, instead of learning to reach in infant play, the baby reaches for survival.

So I read. So I found that the experts agreed with me! So, here I am -- ready to learn how to help. Potato chips and soda-pop for brunch and dinner is a way of life which can be changed, and with preparation, I can help to change it for a number of captive ghetto people through programs of special-type education with health departments, projects in sociology and city planners -- to get to the people "where they're at," in their ghetto homes.

A dream? No. It's what my life must mean if it is to mean anything.

I was assigned a room in Perkins Hall, Harvard University is a long way from the ghetto home in Elyria, Ohio. Hunger for knowledge is no longer a constant companion because of my course of study and a combination of appointments at Harvard. An appointment as a summer intern with the Massachusetts Governor's advisory commission on child development helped me understand the massive machinery of Government, the organization of resources for the communities and the delivery of these resources to the people. Wow, what an interesting task -- massive mistrust on everybody's part. A couple of courses in child-care in the Harvard Summer School enabled me to learn more about "child rearing," in the U.S. But what about "child rearing" in other countries? A loan, few phone calls, and three weeks found me in child care centers in Denmark, Germany, France, and Spain. Very enlightened I wished the people in government, community centers, and parents could share this experience with me. "Let me think about this."

Back at Harvard, one year to study for my Master's degree -- no outside activities, just read, write and listen. Then an interesting thing happened: "Sir, I beg to inform you that at a meeting of the President and Fellows of Harvard College you were appointed Research Assistant in Education," which makes you an officer of Harvard University. Wow!! Wait. Then I was appointed a resident tutor in the Dudley Cooperative House at 3 Sacramento Street.

I organized a conference entitled "Environments for Young Children." What a way to relate your experiences through others. The ideas from Europe, the diverse group of people -- from layman to scholar -- they all came to hear speakers, listen, exchange ideas and make future corrections. A successful operation, a way to get people "together."

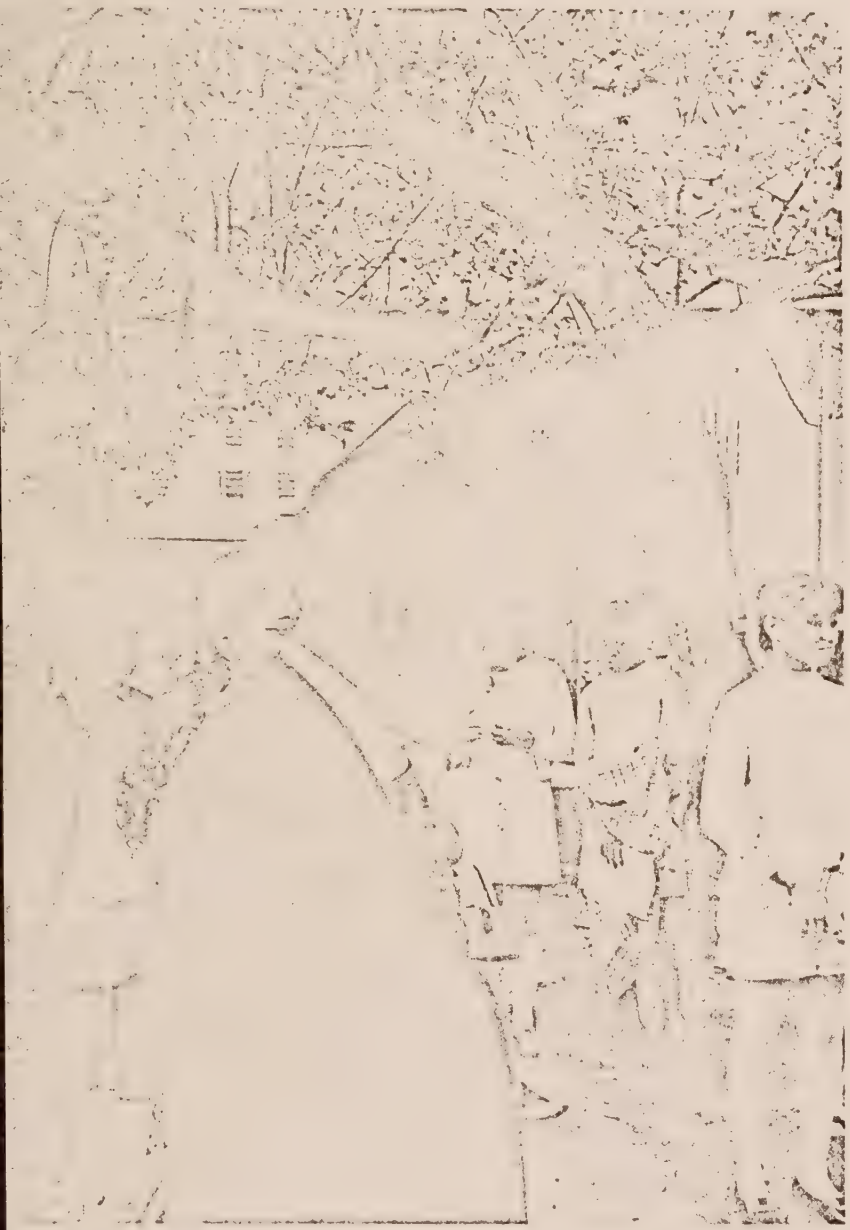
Student life at age 31, at Harvard, is a secure life. Life as a resident tutor brings you in contact with many different people, the kind that you often hear about but never have come in contact with before. Life at the cooperative house requires a few adjustments in your life style but nothing great. This life style took me a long way from the little black unwanted and Vietnamese kids with haunted looks. As a matter of fact my contacts with children came to a halt.

A trip to Elyria, Ohio, brought me back to the world of despair. A stop at a local bar is the scene of childhood reunion. The life style of the ghetto has clearly

taken its toll of my former playmates. A trip to the Cleveland Zoo with a fatherless child brought reality back to me. How can I help save this little boy. What do I have to work with -- Harvard, books, knowledge of the community. Government, and a sense of dedication. Resources!

Back at Harvard I asked questions of the scholars. They all agree that what is needed is a more direct line of communication. Take a year and figure out a way to bring all these resources "together."

Travel to different parts of the country and listen to different people relate their problems. Understand Washington, D. C. better. Use Harvard as a base of operation. After a year come back and work at advanced studies and share what you've learned with others. Above all, do something.



Busy Joe Moore stands among a group of Washington youths during a recent tour of the AU campus he led for D.C. school children.

# *Educating Young - and Old - Is the Task for Joe Moore*

By Douglas Lamborne

Joe Moore is not an easy man to find.

Certainly he is visible all over campus, in classrooms, seminars, conferences, informal chats--moving constantly from one to the other. And when you finally catch up with the man, he is apt to smile, and then explain his constant motion as part of his role as an "intermediary."

An intermediary between whom? Between students and students, students and professors, professors and professors, and perhaps most importantly, between the campus community and the community downtown, the one called the "inner-city." It is among any of these groups that, he said, "if I see a problem, I can get people to act on them."

All of this action is being done while Joe is laboring for a BA in elementary education, taking two and a half years rather than the usual four. How does he do it? "I just work twice as hard."

His accomplishments at AU in those two and a half years are impressive. After military service, which included duty in Vietnam, and extensive travel, he helped with the Adams-Morgan Community Center in Washington and the breakfast program for ghetto youngsters organized by AU's Social Action Council and the Organization of Afro-American Students at The American University.

He is vice-chairman of the Social Action Council, works on special projects for the Education Department, was a consultant to the College of Continuing Education, serves as liaison between AU and its program at the Church of Our Redeemer on North Capitol Street, works for the Office of Student Life, and is manager of the University's new lounge for commuting students.

Last November, he attended the National Association for the Education of Young Children held in Boston. There, he heard about the White House Conference on Children and became an observer at its December meeting after he called the White House and asked if he could attend.

"They wanted to know who I was and I said I was Joe Moore," he laughed. But he described for them his background and assorted interests and got an invitation, doubtless because of the intensity of his concern.

His special concern lies in the education of young people between the ages of six months and three years.

"That is the most critical time of life," he said. "It's during that time they are shaped by their environment, when they are in need of special attention, of love and affection."

His work in behalf of the children involves the kids themselves all the way up to professors on campus.

For example, he recently organized tours to bring inner-city youngsters to AU. "We tried to show them the life sciences, to give them a chance to talk, to communicate with professors, cafeteria people, students.

"At AU, there are a lot of people interested in doing things with young people. They have the theories but not the practical knowledge. The knowledge here is like it's in a special cubicle.

"For example, a professor in biology talked about something very close to the kids---rodents. But it came across like a graduate lecture; it was above the kids' heads. They had more fun playing with the animals.

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS

SIR,

I beg to inform you that at a meeting of the President and Fellows of Harvard College held November 1, 1971 you were appointed

Research Assistant in Education

to serve from September 1, 1971 through January 31, 1972.

Your obedient servant,

Robert Shenton
*Secretary*

Mr. William Joseph Moore

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

17 QUINCY STREET
CAMBRIDGE, MASSACHUSETTS

SIR,

I beg to inform you that at a meeting of the President and Fellows of Harvard College held April 3, 1972 you were appointed

Teaching Fellow in Education

to serve from February 1 through June 30, 1972.

Your obedient servant,

Robert Sheaton
*Secretary*

Mr. William Joseph Moore

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE

17 QUINCY STREET
CAMBRIDGE, MASSACHUSETTS

SIR,

I beg to inform you that at a meeting of the President and Fellows of Harvard College held March 5, 1973 you were appointed

Associate in Pediatrics
(Infectious Diseases)

to serve from November 15, 1972 through June 30, 1973.

Your obedient servant,

Robert Shenton
*Secretary*

Mr. William Joseph Moore

January 13, 1975

Dean Joseph Michalowicz
Registrar
Catholic University
620 Michigan Avenue, N.E.
Washington, D.C. 20064

Dear Dean Michalowicz:

This is on behalf of Mrs. Barbara J. Robinson, 1508 Q Street, N.W. in the hope that will be able to register at the University and pay her registration fees on time. Her grandmother, Mrs. Selenne F. Ivey has agreed to pay the tuition and her grandmother says she has some assets.

I would certainly appreciate your consideration in this matter as this is the only avenue for Mrs. Robinson to follow.

Thank you for your consideration.

Sincerely,

Julius W. Hobson
Councilmember at Large

January 13, 1975

Mr. Theodore F. Mariani
Mariani and Associates
Architects Planners Engineers
1600 Twentieth Street, N.W.
Washington, D.C. 20009

Dear Mr. Mariani:

I am very sorry I was unable to attend the Seminar on housing in the District of Columbia held by the American Institute of Architects in collaboration with the District of Columbia Builders Association on December 2nd and 3rd.

Thank you for the invitation to participate.

Sincerely,

Julius W. Hobson
Councilmember at Large

did not answer –
did not attend –
file

*Theodore F. Mariani AIA, AIP, PE*
*Reginald H. Cude AIA*
*Joseph A. Mathews, Jr. RA*
*Randolph Janney RA*

**MARIANI & ASSOCIATES** *Architects Planners Engineers*
*1600 Twentieth Street, N.W., Washington, D.C. 20009 (202) 462-5656*

Councilman Julius W. Hobson, Sr.
City Council
D.C. Government
14th & E Streets N.W.
Washington D.C.

Dear Councilman Hobson:

On December 2nd and 3rd, the American Institute of Architects in collaboration with the District of Columbia Builders Association, is holding a Seminar on housing in the District of Columbia.

It is our thought that, as a member of the City Council, such a Seminar would be of great interest to you, and that, by your attendance, the participants would also benefit from your knowledge of the problems of the City.

We would like, therefore, to invite you to be a special guest of the Washington Metropolitan Chapter of the American Institute of Architects to attend as many sessions of the Seminar as you can. I am sure that your participation in the discussions would be very valuable to the assembly and we look forward to your attendance.

For your information, an agenda of the Seminar is enclosed.

Yours very truly,

Theodore F. Mariani, AIA/PE

encl. a/s
M/s

RESERVATION FORM

AMERICAN INSTITUTE OF ARCHITECTS & THE DISTRICT OF COLUMBIA BUILDERS ASSOC.
CONFERENCE ON HOUSING IN THE DISTRICT OF COLUMBIA

Seminar Held at National Association of
Home Builders Headquarters, 15th & M Streets N.W.
Washington D.C.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Reservation form should be mailed to:

MARIANI & ASSOCIATES
1600 20th St. N.W.
Washington D.C. 20009

If you will be unable to attend the Seminar, please fill out the information above and check here._____

HOUSING IN THE DISTRICT OF COLUMBIA - SEMINAR SCHEDULE

3:30 PANEL #3 - CITIZEN DESIRES (Contd.)

- Planner - Nick Mangraviti
- Architect - Randall Marshall

4:45 PANEL #4 - DESIGN CHOICES (Density, Architecture, Type, Size, Location)

- Architect - Abba Polangin*
- Architect - Paul Spreiregen
- Citizen - Mary Barry
- Citizen - Theresa Jones
- Developer - Milton Kettler
- Planner - Joan Neuhaus
- Planner - Bob Gould

6:00 COCKTAILS AND INFORMAL DISCUSSION

TUESDAY, DECEMBER 3, 1974

10:00 PANEL #5 - CURRENT CONSTRAINTS TO THE PRODUCTION OF HOUSING IN D.C.

- Lawyer - Charles Donnenfeld*
- Banker - Tom Owen
- Architect - Seymour Auerbach
- Developer - Marty Alloy
- Government - Lila Burt Cummings
- Planner - Ruth Crone

11:30 PANEL #6 THE PRIVATE SECTORS PROGRAM FOR ACTION

- Developer - Joe Horning*
- Government - Kirk White

HOUSING IN THE DISTRICT OF COLUMBIA - SEMINAR SCHEDULE

11:30 PANEL #6 - THE PRIVATE SECTORS PROGRAM FOR ACTION (Contd.)

- Lawyer - Wayne Quinn
- Banker - William Blumenen
- Architect - Bob Smith
- Realtor - Flaxie Pinkett
- Citizen - John Prior
- Citizen - Dr. Walter Lewis
- Planner - Carlos Campbell

1:00 LUNCH

2:30 PANEL #7 - THE GOVERNMENT'S ROLE IN THE ACTION PROGRAM

- Government - Rodney Coleman*
- Developer - Ted Hagins
- Lawyer - Lou Robbins
- Banker - Walter Vaughn
- Architect - Joe Miller
- Citizen - Jack Heller
- Planner - Ben Gilbert
- Federal Government - Robert Duckworth
- Local Government - Mel Mister

4:30 SEMINAR SUMMARY & CLOSING STATEMENT - Sterling Tucker

5:00 COCKTAILS

* Discussion Leader

February 18, 1975

Mrs. Alverta Munlyn, Chairwoman
Center City Community Corporation
Neighborhood Development Center
1009 New Jersey Avenue, N.W.
Washington, D.C. 20001

Dear Mrs. Munlyn:

I am very sorry I was unable to attend the meeting of the Perry-Simmons Replacement Committee on the 13th. However, I Ms. Patricia Miner, my Legislative Assistant, will be in touch with you to see how we can be of assistance to your committee concerning the replacement of the Perry-Simmons School.

Sincerely,

Julius W. Hobson

cc: Ms. Miner

Center City Community Corporation
NEIGHBORHOOD DEVELOPMENT CENTER
1009 NEW JERSEY AVE., N. W.
WASHINGTON, D. C. 20001

February 5, 1975

628-5727

EDWARD NESBITT
EXECUTIVE DIRECTOR

JAMES T. HUGHES
PRESIDENT

Councilman Julius Hobson
D. C. City Council
District Building
Washington, D. C.

Dear Mr. Hobson:

We, the members of the Perry-Simmons Replacement Committee, urge your attendance at our next meeting. We wish to discuss the status of the Perry-Simmons replacement and how we as parents and teachers can work with you in its continuance.

Our meeting will be held Thursday, February 13th, at Perry-Simmons School, First and Pierce Streets, N. W. at 1:30 p.m.

11

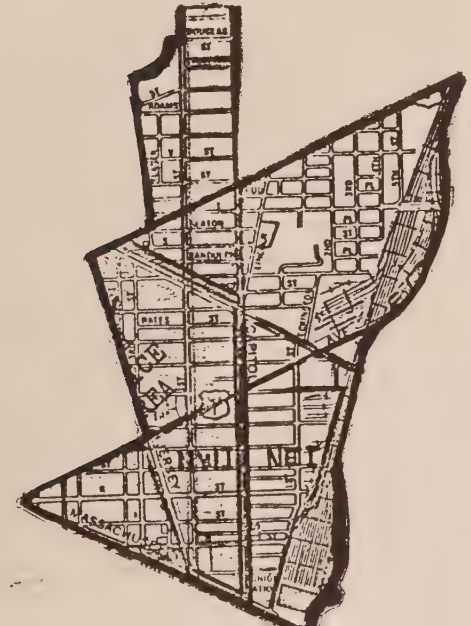
Thank you,

Alverta Munlyn

(Mrs.) Alverta Munlyn
Chairwoman

RECEIVED
FEB 7 - 1975

*Center City Community Corporation*
NEIGHBORHOOD DEVELOPMENT CENTER
1126 FIRST STREET, N. E.
WASHINGTON, D. C. 20002



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Councilman Julius Hobson
D. C. City Council
District Building
Washington, D. C.

February 18, 1975

Mrs. Rosa M. Mitchell
Chairperson
Service Area Nine
753 12th Street, S.E.
Washington, D.C. 20003

Dear Mrs. Mitchell:

I am very sorry I was unable to attend and participate in the program and crowning of the Sweetheart of the 6th Annual Valentine Sweethearts Ball held by Service Area Nine on February 14th.

Thank you for the invitation.

Sincerely,

Julius W. Hobson

February 18, 1975

Mrs. Rosa M. Mitchell
Chairperson
Service Area Nine
753 12th Street, S.E.
Washington, D.C. 20003

Dear Mrs. Mitchell:

I am very sorry I was unable to attend and participate in the program and crowning of the Sweetheart of the 6th Annual Valentine Sweethearts Ball held by Service Area Nine on February 14th.

Thank you for the invitation.

Sincerely,

Julius W. Hobson

2/9

Lorraine –

Call & say Julius can't attend (she called him this week end & he said "probably not") — perhaps they would like to ask another council member?

Thanks

# Council of the District of Columbia

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF RECREATION
3149 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20010

753 12th Street, S. E.
Washington, D. C. 20003
4 February 1975

Mr. Julius Hobson Sr.
Council Member at Large
District of Columbia City Council
City Hall
Washington, D. C. 20004

Dear Mr. Hobson;

On Tuesday, January 28, 1975 you indicated your willingness to participate in the Judging of Service Area Nine (9) 6th Annual Valentine Sweethearts Ball. We are honored by your acceptance to participate in our program.

The crowning of the Sweetheart will be held on Friday, February 14, 1975, at 7:30p.m. in the Randall Recreation Center, South Capitol and Eye Street, S. W.

Again on behalf of Service Area Nine (9), I wish to express our sincere gratitude and appreciation for your acceptance to Judge our Sweetheart's of "75".

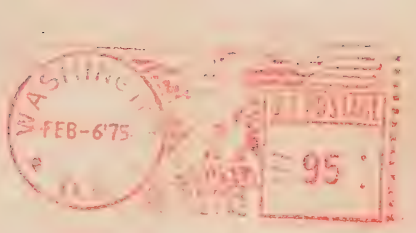
Sincerely yours,

Rosa M. Mitchell

Rosa M. Mitchell, Chairlady
Service Area Nine
Sweetheart Ball

RECEIVED
FEB 7 - 1975

Ms. Rosa M. Mitchell, Area 9
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF RECREATION
3149 16TH STREET, N. W.
WASHINGTON, D. C. 20010



Mr. Julius Hobson Sr.
Council Member at Large
District of Columbia City Council
City Hall
Washington, D. C. 20004

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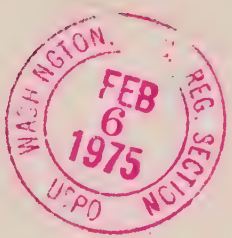
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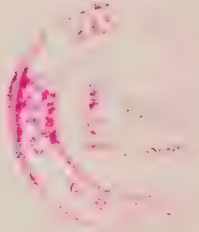


February 18, 1975

Mrs. Alverta Munlyn, Chairwoman
Center City Community Corporation
Neighborhood Development Center
1009 New Jersey Avenue, N.W.
Washington, D.C. 20001

Dear Mrs. Munlyn:

I am very sorry I was unable to attend the meeting of the Perry-Simmons Replacement Committee on the 13th. However, I Ms. Patricia Miner, my Legislative Assistant, will be in touch with you to see how we can be of assistance to your committee concerning the replacement of the Perry-Simmons School.

Sincerely,

Julius W. Hobson

cc: Ms. Miner

February 21, 1975

Dear Mr. Metcalfe:

Honorable Ralph H. Metcalfe
House of Representatives
Washington, D.C. 20515

February 26, 1975

Honorable Walter F. Mondale
United States Senate
Washington, D.C. 20510

Dear Senator Mondale:

Because of your interest in the subject of police surveillance of political activities, I am enclosing the attached memorandum. I hope you will give us your support.

Julius W. Hobson

Enclosure

February 26, 1975

Honorable Robert Morgan
United States Senate
Washington, D.C. 20510

Dear Senator Morgan:

Because of your interest in the subject of police surveillance of political activities, I am enclosing the attached memorandum. I hope you will give us your support.

Julius W. Hobson

Enclosure

February 28, 1975

Dr. Arthur A. Morris
916 Nineteenth Street, N.W.
Washington, D.C. 20006

Dear Dr. Morris:

Thank you for your letter giving your views on the appointments of non-residents. I certainly agree with you that executive positions in the District government should be given to residents of the District.

Sincerely,

Julius W. Hobson
Councilmember at large

2/2

Lorraine —

Send letter saying thanks, I agree with you.

Thanks

Arthur A. Morris, M.D.
916 Nineteenth Street, Northwest
Washington 6, D. C.

January 23, 1975

City Council of the District of Columbia
14th and E Streets, N.W.
Washington, D.C.,20005

Attention: Chairman Tucker

Dear Mr. Tucker:

I want to go on record as objecting to appointments of non-residents of D.C. to executive positions in all District areas.

This was a real issue during the recent Campaign as many of you will recall and certainly was an issue in the race for Councilman at Large of which I was a part.

Very sincerely yours,

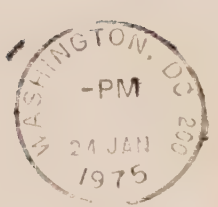
Arthur A. Morris, M.D.

AAM/1
cc All members of the Council

RECEIVED
JAN 27 1975
Julius Hobson, Sr.
Councilmember-At-La

RECEIVED
JAN 27 1975
Julius Nelson, Sr.

ARTHUR A. MORRIS, M.D.
916 - 19th STREET, N.W.
WASHINGTON, D. C. 20006



Councilman Julius W. Hobson
District Building
14th and E Streets, N.W.
Washington, D.C.,20005

March 5, 1975

Mr. Edward C. Merrill, Jr.
President
Gallaudet College
Kendall Green
Washington, D.C. 20002

Dear Mr. Merrill:

Thank you for your letter concerning the gun control legislation now pending before the City Council.

When the bill comes before the Council's Legislative Session for a vote, I will keep your views in mind.

Sincerely,

Julius W. Hobson
Councilmember at large

March 5, 1975

Mr. Edward C. Merrill, Jr.
President
Gallaudet College
Kendall Green
Washington, D.C. 20002

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When the bill comes before the Council's Legislative Session for a vote, I will keep your views in mind.

Sincerely,

Julius W. Hobson
Councilmember at large

Pro

FROM THE DESK OF

*Julius W. Hobson, Sr.*

GALLAUDET COLLEGE
KENDALL GREEN, WASHINGTON, D.C. 20002

OFFICE OF THE PRESIDENT

February 17, 1975

Mr. Sterling Tucker
Chairman
District of Columbia City Council
Washington, D.C. 20015

My dear Mr. Tucker:

Gallaudet College offers young deaf people from across the nation an opportunity to pursue a college degree. We like to think the institution is very much of an asset to the community, and we know that students who attend here profit immeasurably from the experience of living in the Nation's Capital.

Gallaudet College serves approximately 2,500 deaf people in its various programs with a faculty and staff, many of whom are also deaf. Thousands of visitors, including parents and professional persons,come and go from our campus here in Northeast Washington. Although all of us can help to provide a safe environment in our community, the City Council is primarily responsible for enacting those measures which can make a difference.

Students, faculty, and staff have been subjected to great personal risks when they have been held up by people with hand guns on Florida Avenue, West Virginia Avenue, 7th and 8th Streets, and H Street. Deafness places a person in double jeopardy when he is being held up by someone with a hand gun. The deaf individual may not understand what the assailant is saying to him. If he reaches for a pencil and paper, the assailant could easily assume that he is reaching for a gun.

This letter is written in strong support of Councilman John A. Miller's bill to ban hand guns in the District of Columbia. There is no more humane action that the new City Council can undertake than to pass this or some similar bill soon.

Sincerely yours,

Edward C. Merrill, Jr.

Edward C. Merrill, Jr.
President

ECM/lbr

cc: Members of the City Council
Mayor Walter Washington
Consortium of Universities

GALLAUDET COLLEGE
OFFICE OF THE PRESIDENT
KENDALL GREEN, WASHINGTON, D.C. 20002

Mr. Julius Hobson
District of Columbia City Council
District Building
Washington, D.C. 20004

March 6, 1975

Mrs. Virginia Morris
President
District of Columbia Board of Education
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mrs. Morris:

The Education, Recreation and Youth Affairs Committee has received a request for reprogramming to cover the cost of the demolition of Dunbar High School, to provide for the construction of the replacement stadium, track and football field. Attached for your information is the Mayor's request to the Council. If you wish to comment on the proposed action, please respond as soon as possible; the committee must make its report early next week.

Sincerely yours,

Julius W. Hobson, Chairperson,
Committee on Education, Recreation
and Youth Affairs

Attachment

Ltr Board of Education

March 31, 1975

Ms. Virginia Morris
President
Board of Education
415-12th Street, N.W.
Washington, D.C. 20004

Dear Ms. Morris:

The Committee on Education, Recreation and Youth Affairs is conducting public hearings April 16, and 17, 1975, on the impact of equalization and ESEA, Title I comparability requirements on the District of Columbia Public Schools. I hope to explore these requirements in depth and examine carefully issues pertinent to their implementation. I am soliciting a list of potential expert witnesses and would appreciate your assistance in this endeavor. Enclosed is a copy of the hearing notice.

It is certainly my intention that these hearings will serve to provide a significant public forum for the problems encountered in implementing equalization and comparability requirements and offer substantial guidance in terms of defining alternatives for legally altering the school system's procedures in this area. You may expect to hear shortly from a member of my staff to discuss the hearing process in detail.

Your support and cooperation will be crucial to this effort.

Sincerely,

JULIUS W. HOBSON, Chairman
Committee on Education, Recreation
and Youth Affairs

Enclosure

April 16, 1975

Mr. James O. Murphy, President
Deanwood Citizens Association
918 52nd Street, N.E.
Washington, D.C. 20009

Dear Mr. Murphy:

I am very sorry work on the D.C. Budget before the Council prevented my attending the groundbreaking ceremoney of the Deanwood Metro Station at 48th and Minnesota Avenue, N.E. on Saturday, April 12th, 1975.

Thank you for the invitation not only to attend butt to participate in your program.

Sincerely,

Julius W. Hobson
Councilmember

# Deanwood Citizens Association

ESTABLISHED 1912

PRESIDENT: James O. Murphy

REPLY TO: James O. Murphy
918, 52nd. St. N.E.
Washington, D.C. 2001 9

Honorable Members of The City Council,
The City Council Chambers,
City Hall,
Washington, D.C. 20004

Dear Mr. Hobson:

The Honor of Your presence will be deeply appreciated at a Groundbreaking Ceremony of the Deanwood Metro Station at 48th. and Minnesota Avenue N.E. on Saturday, April, 12th. 1975, at 2 P.M.

Please inform us if it will be possible for you to take a small part in the program. We will look forward to receiving your reply as soon as possible.

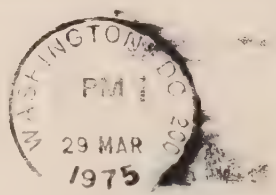
With sincere best wishes.

Yours in community service,

James O. Murphy

P.S. If it rains, the ceremony will be held on April, 19th.

JAMES O. MURPHY
918, 52, NE, DC, 20019.



Mr. Julius Hobson
City Council Chambers
City Hall
Washington, D.C. 20004

May 2, 1975

Mrs. Virginia Morris, President
District of Columbia Board of Education
The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mrs. Morris:

Thursday, May 8,

You are requested to attend a meeting of the Committe on Education, Recreation, and Youth Affairs, ~~Monday, May 5~~, 1975 at 10:30 a.m. 1:00 p.m., in Room 501, District Building, 14th and E Streets, N.W., Washington, D.C. ~~The purpose of this meeting is an inquiry concerning the evaluation of the Superintendent of Schools and other pertinent matters.~~ We are hopeful that you can clarify the current situation and brief the Committee on the Board's actions. ~~It~~ It is critical that the committee on Education, Recreation, and Youth Affairs be fully informed concerning the evaluation of the Superintendent and other pertinent matters, so that the Committee can carry out its charge in an intelligent manner.

Thank you for your cooperation in this matter.

Sincerely,

Julius W. Hobson, Chairperson
Committee on Education, Recreation
and Youth Affairs

~~We are hopeful that you can clarify the current situation at this meeting.~~

cc: Council Chairman
Committee Members

May 6, 1975

Mrs. Virginia Morris, President
District of Columbia Board of Education
The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mrs. Morris:

You are requested to attend a meeting of the Committee on Education, Recreation, and Youth Affairs, Thursday, May 8, 1975 at 10:30 a.m., in Room 501, District Building, 14th and E Streets, N.W., Washington, D.C. We are hopeful that you can clarify the current situation and brief the Committee on the Board's actions. It is critical that the Committee on Education, Recreation, and Youth Affairs be fully informed concerning the evaluation of the Superintendent and other pertinent matters, so that the Committee can carry out its charge in an intelligent manner.

Sincerely,

JULIUS W. HOBSON, Chairperson
Committee on Education, Recreation
and Youth Affairs

cc: Committee Members
Chairman Tucker

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

May 12, 1975

Mr. Jack Murphy
Georgetown University Law Center
Room 450
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Murphy:

Our office has received a copy of the "Response to the City Council inquiry of April 11, relative to the Metropolitan Police Department Intelligence Division" from Police Chief Maurice J. Cullinane to Mayor Walter E. Washington and a reply from our letter of April 11 to Earl Silbert, United States Attorney for the District of Columbia, requesting his Office to investigate the possibility of criminal violations by the Metropolitan Police Department based on allegations made by Inspector Albert Ferguson in the Washington Post. We are forwarding copies of these two items to you at Mr. Ralph Temple's suggestion since you have been working closely with him on this issue.

Also enclosed is a copy of the Police Intelligence Safeguards Act of 1975 introduced by City Council Chairman, Sterling Tucker. We have asked Mr. Temple to examine the proposed bill and draft better (stronger) legislation.

Sincerely,

Paul Sanders Brown
Executive Assistant to
Councilmember Julius Hobson

Enclosures

May 26, 1975

Ms. Ruth E. Myer, President
Harbor Square Owners, Incorporated
500 N Street, S.W.
Washington, D.C. 20024

Dear Ms. Myer:

I am sorry I was unable to attend the meeting of the Harbor Square members and residents on May 12, 1975. Unfortunately, my schedule did not allow me to attend. However, I am quite interested in the Southwest Urban Renewal Plan and would like to have more background information concerning the project. I would also like to have more information on what your organization regards as violations of the spirit of this particular plan. In your summary, please include the plan's legal requirements.

Please accept my apologies for being unable to attend.

Sincerely,

Julius W. Hobson
Councilmember at large

May 12

HARBOUR SQUARE

April 22, 1975

Sandy - pls attend that see what we can do to help.

Hon. Julius Hobson
Council of the District of Columbia
District Building
14th & E Streets, N. W.
Washington, DC 20004

Dear Mr. Hobson:

As you know, the citizens in the Southwest, are greatly troubled about the manner in which the Waterside Mall has been and is being developed. Our membership has instructed me to invite members of the Council of the District of Columbia to a meeting with Harbour Square members and residents. We would hope that at that time we could inform the Council fully in regard to violations of the spirit of the Southwest Urban Renewal Plan if not, indeed, the legal requirements of the plan and that our membership could be informed about the feelings of Council members about the matter.

We are inviting the Mayor also since the Corporation Counsel, the RLA staff, and the Bureau of Licenses and Inspection have roles and are parties to the events and policy interpretations.

The developer has leased a large portion of the ground floor of the Mall to the U. S. Postal Service, an action which totally disregards the clearly expressed intent of the Urban Renewal Plan, the National Capitol Planning Commission, and the most recent action of the D. C. Council relating to the use and development of the Mall.

We are inviting you and the other members of the Council to meet with us in the Club Room at Harbour Square, 500 N Street, S. W., on May 12, 1975 at 8:00 p.m. We hope that we can count on your presence since this subject concerns matters relating to your responsibilities as a Council member. Will you be able to come?

RECEIVED
APR 23 1975
Julius Hobson, Sr.
Councilmember-At-Large

Sincerely yours,

Ruth E. Myer

Ruth E. Myer
President
Harbour Square Owners, Inc.

REM:lc

Hon. Julius Hobson
Council of the District of Columbia
District Building
14th & E Streets, N. W.
Washington, DC 20004

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

May 12, 1975

Mr. Jack Murphy
Georgetown University Law Center
Room 450
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Murphy:

Our office has received a copy of the "Response to the City Council inquiry of April 11, relative to the Metropolitan Police Department Intelligence Division" from Police Chief Maurice J. Cullinane to Mayor Walter E. Washington and a reply from our letter of April 11 to Earl Silbert, United States Attorney for the District of Columbia, requesting his Office to investigate the possibility of criminal violations by the Metropolitan Police Department based on allegations made by Inspector Albert Ferguson in the Washington Post. We are forwarding copies of these two items to you at Mr. Ralph Temple's suggestion since you have been working closely with him on this issue.

Also enclosed is a copy of the Police Intelligence Safeguards Act of 1975 introduced by City Council Chairman, Sterling Tucker. We have asked Mr. Temple to examine the proposed bill and draft better (stronger) legislation.

Sincerely,

Paul Sanders Brown
Executive Assistant to
Councilmember Julius Hobson

Enclosures

May 26, 1975

Mr. Hubert R. Merrick
Executive Vice President
Independence Federal Savings & Loan Association
1229 Connecticut Avenue, Northwest
Washington, D.C. 20036

Dear Mr. Merrick:

Thank you for your note of May 9, 1975. I read the Post article entitled, "Economics of Home Rule" with great interest. The economic clout which lies in the District's authority to deposit its funds in local banks and savings and loan associations is great and deserves to be looked at more closely.

I appreciate your taking the time to forward the Post article to me.

Sincerely,

Julius W. Hobson
Councilmember at large

May 26, 1975

Mr. Hubert R. Merrick
Executive Vice President
Independence Federal Savings & Loan Association
1229 Connecticut Avenue, Northwest
Washington, D.C. 20036

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I appreciate your taking the time to forward the Post article to me.

Sincerely,

Julius W. Hobson
Councilmember at large

INDEPENDENCE FEDERAL SAVINGS & LOAN ASSOCIATION
OF WASHINGTON

May 9, 1975

RUDOLPH ARKIN, C.L.U.
Chairman
WILLIAM B. FITZGERALD
President
LEONARD VOGEL
Vice President
HOWARD C. DAVIS, D.D.S.
Vice President
JAMES W. COBB
Secretary & General Counsel
E. PRESTON JENKINS, D.M.D.
Treasurer
FRANCIS L. SMITH, M.D.
Director
THOMAS W. PRASADA-RAO
Comptroller
C. ARNOLD HART
Assistant Secretary
LAWRENCE M. NATHAN
Chairman Emeritus

Council of the District of Columbia
District Building - 5th Floor
14th & E Street, N.W.
Washington, D.C. 20004

Dear City Council Member:

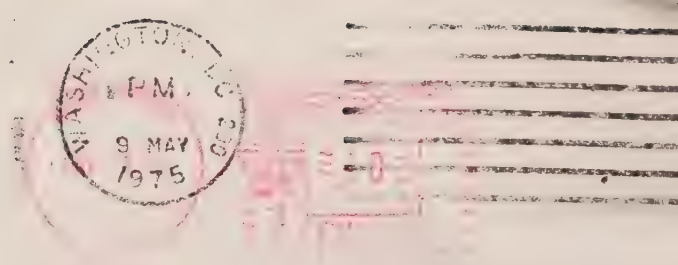
Thought you might be interested in this article just in case you missed it.

Sincerely,

Hubert R. Merrick

Hubert R. Merrick
Executive Vice President

1229 CONNECTICUT AVENUE, NORTHWEST, WASHINGTON, D.C. 20036
(202) 628-5500




The Honorable Julius Hobson, Sr.
Council of District of Columbia
District Building - 5th Floor
14th & E Street, N.W.
Washington, D.C. 20004

FSL
INDEPENDENCE FEDERAL
SAVINGS & LOAN ASSOCIATION
OF WASHINGTON

1229 CONNECTICUT AVENUE, NORTHWEST, WASHINGTON, D.C. 20036

# Economics of Home Rule

By Rudolph A. Pyatt Jr.
Washington Star Staff Writer

The District of Columbia government "has a fantastic opportunity" to aid the city's residents through the power of economic leverage granted in the Home Rule charter, contends the president of Independence Federal Savings and Loan Association.

The leverage to which William B. Fitzgerald was referring lies in the District's authority to deposit its funds in local banks and savings and loan associations. Presently, those funds are deposited in the U.S. Treasury.

"The District needs to utilize this instrument in a positive manner to get the greatest yield for its citizens," Fitzgerald said of the new authority.

In recent testimony on cash management, Fitzgerald strongly urged City Council to use local financial institutions as depositories.

EARLIER in an interview, Fitzgerald said the yield from a new funds deposit policy would be multi-faceted.

"It means leveraging to cause financial institutions to lend to businesses. It means leveraging to cause builders to build in the city. It means extracting pledges that this money is going to be utilized in the best interest of citizens."

On these points Fitzgerald appears to be in total agreement with the prevailing thinking among City Council members.

At the same time, Fitzgerald agrees with some members of the council that a preponderance of the S&Ls in the District have shown a bias in their lending policies.

Separate studies by the Senate Banking Committee and the Public Interest Research Group show that most of the money deposited in District S&Ls in the past three years has been invested outside the city. These disclosures have renewed charges of redlining (refusing mortgage loans in certain areas) among District S&Ls.

"I think the men and women on this council will seize this opportunity to make some changes," said Fitzgerald.

The PIRG study of S&L lending practices singled out Independence Federal for making the "highest percentage of real estate loans" in the city.

"The record shows that we're on the right track," beamed Fitzgerald.

FROM WHAT he calls a "humble beginning" six years ago, Independence has amassed assets of close to $25 million.

"People knowledgeable in the industry tell us our growth has been spectacular," he said. "Of the approximately 75 minority controled S&Ls in the United States, we have grown to the fourth largest in six years. By that yardstick, we have done extremely well."

In those six years, Independence has made more than 80 percent of its loans in the District. And Fitzgerald said the serious delinquency loan rate experinced by his company is considered one of the best in the country — "at .001 percent of of our loan portfolio."

The record shows that there have been only two foreclosures by Independence Federal in the District, Fitzgerald added.

"We think we represent a fine example for the industry here. If we can do this in six years, we think we have exploded some of the myths that have prevailed and still prevail in some instances," said Fitzgerald. "There haven't been the failure or foreclosures implied by the policies of other institutions."

Fitzgerald maintains that the District government "must not lose this opportunity to change some of the present philosophy" allgedly held by the S&L industry in Washington.

"The only thing this industry will respond to is economic pressure. If you put the money where your philosophy is reflected, you'll get results."

LEGISLATION "won't solve anything," Fitzgerald believes, because there are "too many loopholes." He said he left the construction business in 1965 because "I thought I would attempt to start a savings and loan that was different in its philosophy."

"It appeared to me that there was a great deal of bias in the (S&L) industry as it pertained to minorities. None of the S&Ls had black officers and our deposits were welcomed but not loans."

Reflecting on what he termed widespread bias in the industry in 1965, Fitzgerald said he "found that very appalling in a city that was 70 percent black."

"So, I thought that I would start an institution that was reflective of the community; that would embody the best ideology that we could produce. In other words, take the discrimination out of lending."

FITZGERALD said he realized that he could not accomplish these goals with an all-black institution. Therefore, Independence Federal, a mutual association, has always had an interracial board of directors from the beginning. The staff is fully-integrated and women hold a number of key staff positions.

Although Independence Federal began its organizational efforts in 1965, it took "three years of fighting and being rejected for a federal charter," Fitzgerald recalled.

"There was opposition from a lot of sources that said we could not succeed and that by making loans in the District of Columbia we'd be doomed to failure."

But our research indicated that Washington was the safest city in which to make loans," Fitzgerald continued. "The city had the lowest foreclosure rate. That was mystifying to us."

Fitzgerald said Independence Federal's success and commitment to the District can be attributed to its officers' knowledge of the city and an understanding of its problems.

"WE live here, we grew up here and we take the time to go beyond what's on paper."

Making a loan "involves more than a credit report or what's on paper," Fitzgerald continued. "You have to have an understanding of the community.

Fitzgerald rejected the notion that the District government would be criticized if it limited its deposits to those institutions which agree to invest in the city.

"To the contrary. I see the District government being criticized if it doesn't follow this formula," he declared. "The money belongs to the people and the people should extract it and put it back into the community."

William B. Fitzgerald at Independence Federal S&L offices

## Business Profile

June 16, 1975

Mrs. Virginia Morris
Head Pre-School/Day Care Division
United Planning Organization of the
National Capital Area
1021 14th Street, N.W.
Washington, D.C. 20005

Dear Mrs. Morris:

Thank you for your invitation to the banquet in celebration of the tenth anniversary of Head Start, sponsored by UPO's Head Start Parent Policy Council on May 16th.

I am sorry I was unable to attend and to convey my congratulations to members of the Pre-School/Day Care Division.

Sincerely,

Julius W. Hobson

UNITED PLANNING ORGANIZATION
OF THE NATIONAL CAPITAL AREA

RECEIVED
MAY 9 1975
Julius Hobson, Sr.
Councilmember-At-Large

May 5, 1975

Dear Mr. Hobson:

Head Start programs across the country will be celebrating the tenth anniversary of child development programs which have had an impact on millions of children and families.

In celebration of the tenth anniversary of Head Start, the United Planning Organization's Head Start Parent Policy Council cordially invites you to attend a banquet at the International Inn, 14th & Thomas Circle, N.W., on Friday, May 16, 1975, from 8 to 10 p.m.

It will be a pleasure to see you there.

Sincerely yours,

Virginia Morris

Virginia Morris, Head
Pre-School/Day Care Division

The Honorable Julius W. Hobson, Sr., Councilman
City Council of the District of Columbia
The District Building - Fifth Floor
Fourteenth & E Streets, N.W.
Washington, D.C. 20004

RSVP

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OF THE NATIONAL CAPITAL AREA

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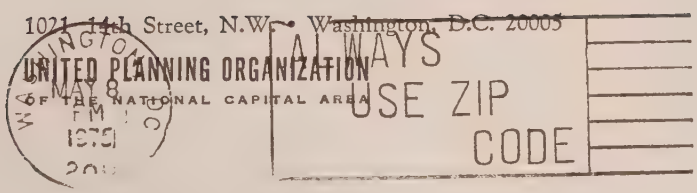

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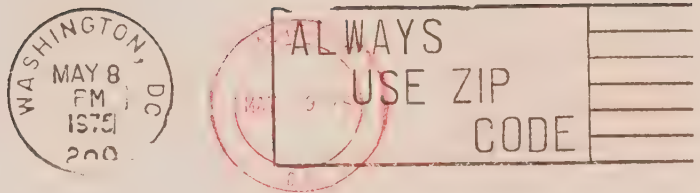

*The Honorable Julius W. Hobson, Sr., Councilman*
*City Council of the District of Columbia*
*The District Building - Fifth Floor*
*Fourteenth & E Streets, N.W.*
*Washington, D.C. 20004*

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June 16, 1975

Mr. George J. Mische
Executive Director
National Coordinating Committee
for Justice Under Law
1750 Lanier Place, N.W.
Washington, D.C. 20009

Dear Mr. Mische:

Thank you for the copy of the NCCJL Report, it was most informative. I am sorry my schedule did not permit my attending the fundraising show on May 16.

Sincerely,

Julius W. Hobson

NCCJL

NATIONAL COORDINATING COMMITTEE FOR JUSTICE UNDER LAW

1750 LANIER PLACE, N.W. WASHINGTON, D.C. 20009

TELEPHONE
(202) 265-3800

GEORGE J. MISCHE
EXECUTIVE DIRECTOR

RECEIVED
MAY 9 1975
Julius Hobson, Sr.
Councilmember-At-Large

The Hon. Julius Hobson
District Building, 5th floor
14th and E St., NW
Washington, DC 20004

May 7, 1975

Dear Mr. Hobson:

NCCJL has recently announced its opening of an Alternative to Prison project in the Adams-Morgan section of the city. Much has been said about the "purse problem" since the Attica uprising forced the public to take a closer look at what is happening behind the walls.

Despite the countless riots and disturbances that followed, the public has yet to come up with an alternative to the present system and little has been done, or can be done, within the walls to prevent the present system from being a holding area for repeat offenders who see no viable alternative to crime.

We at NCCJL have been quietly putting together an alternative that does reach to the core of the crime problem. Over the past year we have purchased the 23,000 square foot Cherner Building at 1781 Florida Ave., NW, completely renovated it following five years of vacancy and vandalism, purchased a large hous to serve as a residence and taken in our first trainees directly from the courts.

At the present time we are in desperate need of funds to continue our program. To meet that need we are having a fundraising show at Constitution Hall, at 8:00 p.m. May 16. Steve Allen is coming from Hollywood to host the show. He will be joined by John Hartford, Judy Collins, Oliver, Michael Moriarty, and Hickory Wind. Following the show, at approximately 11:00 p.m., we will be having an open house party at the Florida Avenue training center. It will give the people a chance to see our place, understand the program and have some good cheer over a few drinks. All of the local media outlets will be covering the event.

I would very much like to see you attend the show and see our concept of a more productive, inexpensive and humane alternative to prison. Please let me know if you can attend so that I can reserve whatever number of tickets you and your party would need.

In Peace and Justice,

George J Mische

George J. Mische
Executive Director

NCCJL ALTERNATIVE TO PRISON PROJECT BENEFIT

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STEVE ALLEN

JOHN HARTFORD

HICKORY WIND

MICHAEL MORIARTY

BILL "OLIVER" SWOFFORD

"THE REPEATER"

starring STACY KEACH and JUDY COLLINS

AND MUCH MORE!

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

FRIDAY MAY 16 8:00 P.M.

CONSTITUTION HALL

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Following the show there will be an open house reception at NCCJL'S newly opened 23,000 sq. ft. training center.
1781 Florida Ave., N.W.

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MUSIC - DRINKS - DANCING - FUN

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Tickets can be delivered
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| | |
|---|---|
| Box | $25.00 ✓ |
| Orch | 15.00 |
| Terrace | 10.00 |

# NCCJL REPORTS

VOLUME 4 NUMBER 2 FEBRUARY 1975

## ALTERNATIVE TO PRISON PROJECT BECOMES OPERATIONAL

The NCCJL Alternative to Prison Project was born in the summer of 1973. It followed naturally from numerous investigations the NCCJL staff was making into conditions existing in our county, state and federal prisons. These investigations, as well as the personal experiences of the NCCJL staff, revealed central causes of prison unrest which called for more than bandaid therapy or the rhetoric of outrage.

Our investigations showed that the vast majority of those presently incarcerated come from minority groups, are poorly educated, unskilled and were usually raised in broken and overcrowded homes. Thus, it became very clear to us that poverty, unemployment, inadequate housing, poor education and a grossly unequal distribution of wealth and opportunity are all handmaidens of crime and prison.

Further study showed that since the Attica tragedy, and the countless similar incidents that followed, the major reaction has come in the form of wordy proclamations in favor of prison reform and a moratorium on present prison construction. Although we agree that these recommendations are worthy in themselves, it became our conviction that little would have been accomplished, even if these goals were realized, because the basic underlying causes of crime would have been overlooked, leaving the question regarding the continued necessity of maintaining prisons unanswered.

The principal problem seemed to be that, despite an ever growing awareness that prisons were institutional failures and that the crime question was being glossed over, few energies were being utilized to construct positive alternatives for overhauling a counter-productive criminal justice system.

We needed a new approach, a working model to serve as an alternative to our warehouse prisons, but one that would respond to the background needs most common to those people having the best chance of being incarcerated in this country—the hard-core unemployables.

As this analysis began to take shape, we looked at the thrust of past efforts by others and tried to analyze the success and failure factors. The conclusion we reached was that a comprehensive approach was needed and that there were no such programs in existence or on the drawing boards.

### Enlisting Feedback from the Judges

We then began to approach D.C. Superior Court judges, probation officials and potential funding sources with such a comprehensive plan. Our plan called for housing, a just living wage, a realistic vocational training program and a resocialization thrust that would provide people with the necessary tools to survive in an extremely individualistic society.

Our suggested plan was simple. We asked the judges to resentence people who were already convicted and sent to prison for committing non-violent felonies, by which we meant crimes in which no citizen was seriously injured. Further, we would only consider taking people who came from hard-core unemployable backgrounds, who had a basic aptitude that would enable them to learn the various trades we would be teaching. A temporary limitation would be that we would not accept drug addicts and alcoholics until we had the staff or facilities to deal with these problems effectively.

During the 120 days immediately following sentencing or the termination of appeals, judges enjoy the discretion to reduce the sentence they originally gave. At that point in the process we would intercede and request that the judges, on a random sample basis, resentence the offenders and place them on probational status for three years, conditional on their participation in our program.

The program would not only be geared to the individual offenders, but also to the immediate family units where they exist. Our past experience showed that family units tend to disintegrate whenever a parent is sent to prison and too often the children grow up in the same patterns as the parents, and

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as juveniles begin to run into difficulties with the law.

Therefore, when someone is selected into the program, they and their family would be moved into our housing units where they would reside for three years with fulltime counselors. The offender would then begin a three-year vocational training program at a training center we would provide. They would be paid at the rate of the median family income in the United States as it relates to the amount of dependents each trainee has.

| Dependents | Hourly Rate | Weekly Salary | Annual Income |
|---|---|---|---|
| 1 | $4.00 | $160.00 | $ 8,320.00 |
| 2 | 4.50 | 180.00 | 9,360.00 |
| 3 | 5.00 | 200.00 | 10,400.00 |
| 4 | 5.50 | 220.00 | 11,440.00 |
| 5 | 6.00 | 240.00 | 12,480.00 |
| 6 | 6.50 | 260.00 | 13,520.00 |
| 7 | 7.00 | 280.00 | 14,560.00 |
| 8 | 7.50 | 300.00 | 15,600.00 |
| 9 | 8.00 | 320.00 | 16,640.00 |
| 10 | 8.50 | 340.00 | 17,680.00 |

Each trainee would be required to deposit one-fourth of their gross salary in our cooperative savings program. If they remain in the program for the entire three-year period, they would have the entire amount reutrned to them. Should they drop out or have their probation revoked the savings would be applied as past rent and maintenance.

The vocational training would be set up in a manner that certification would be the result of completing the program, thus making it easier for future job placement. In addition to the vocational training program we would provide remedial reading, math, financial planning, legal services, health and life insurance and group discussions relating to values and goal achievement techniques.

The ultimate goal, then, would be to provide the type of training that would enable a person to leave the program with a certified job skill, a job placement where this skill could be utilized, enough of a financial nest egg with which to begin the future anew and the value system and procedural knowledge to successfully live in this society.

### The Hunt for a Site

By the end of 1973 we began to receive an extremely favorable response on a number of levels.

We had located a potential site for the training center in the form of a 23,000 sq. ft. building that had been vacated several years earlier by a Ford dealership. It was located in the Adams-Morgan section of Washington, D.C. This section of the city had experienced a mass exodus by the white population following the 1968 riots that followed the slaying of Martin Luther King, but it was now beginning to undergo the process of return and renovation. The building was heavily vandalized during this period of vacancy, but the structure itself was sound, being constructed of reinforced concrete.

We discovered that Ford Motor Company headquarters in Detroit had control of the building and we began negotiations with Detroit officials to see if they would be willing to contribute the building to us via our tax-exemption status. Ford officials were interested in the program and favorably disposed to seeing us acquire the building.

### Support Materializes

A number of judges and probation department officials felt the concept was sound and indicated they would be willing to participate in the program if we could get all of the needed resources together. They were sure that a lot of judges would be favorably disposed to the program once it was all put together.

With these initial responses we approached the Irwin-Sweeney-Miller Foundation, the Lilly Endowment Fund, the DJB Foundation, the Xerox Corporation and a number of other potential funding sources.

The DJB Foundation came through first with a contribution of $4,000. In December 1973 the Irwin-Sweeney-Miller Foundation showed it wasn't afraid to bite the bullet and granted an initial $50,000 to get the project moving from the paper stage to the implementation stage.

These commitments led to the acquisition of the Ford building. Ford officials informed us that it would take a lot lot more time to have a decision made on the building if we were intent on pursuing the contribution route. We then decided to move toward an outright purchase. Discussions began with representatives of Consumers United Insurance Company (C.U.I.C.), a subsidiary of International Group Plans, Inc. (IGP). IGP had been one of our earliest and most substantial supporters.

C.U.I.C. officials liked the concept of the project and agreed to help out. Ford put the building up for auction and C.U.I.C. purchased it for $115,000 after some spirited bidding with local real estate speculators.

After the auction C.U.I.C. signed a contract agreeing to sell the building to us for the sum of $136,322.03 via twenty quarterly payments of $8,337.46. Thus far we have made three payments, with the next one being due on April 1st. The present balance due on the mortgage is $119,150.91. If it takes us the entire five years to pay off the mortgage, the total purchase price will come to $166,641.02.

As these developments were taking place, John Denver, The Nitty Gritty Dirt Band, Steve Goodman and Bill "OLIVER" Swofford took an interest in the project and agreed to perform a benefit concert at Notre Dame University on March 4, 1974. The concert grossed about $43,000. These funds, along with the earlier funds committed by DJB and Irwin-Sweeney-Miller, were used to begin the massive renovation program needed to make the building suitable for use as a training center.

Throughout 1974 we continued to approach companies, foundations, religious groups and entertainers for support and we were continuously pleased with their willingness to help.

Ford and General Motors agreed to donate equipment for the auto-mechanics program and further agreed to help set up the training program for that skill so that our trainees could be certified upon completion of the program. Dresser Industries gave further help by contributing some automotive tools.

Educational materials were donated by E.I. du Pont de Nemours & Co., McGraw-Hill, Chilton Book Company and Motor Magazine.

The renovation costs were held down substantially because of the generosity of the companies who contributed building materials. General Electric contributed a substantial amount of lexan to replace about 700 panes of glass that were broken on the second floor. Plumbing supplies were donated by Harrison Brothers, Inc. and the Thos. Somerville Company. C.I. Smith contributed a large amount of paint supplies and allowed us to use their equipment which was a great time and effort saver. Hechingers donated a wide range of materials.

After nine months of discussions the Lilly Endowment Fund agreed to contribute $100,000, which was specifically earmarked to be used for the salaries of the trainees. Thus far we have received $50,000 with the third quarterly installment payment of $25,000 due in March.

In the fall of 1974 the Irwin-Sweeney-Miller Foundation contributed an additional $20,000 to help us pay staff salaries and complete the renovation work.

During October, November and December we began to solicit more help from the entertainment world. A tremendous amount of work and financial support came from such Hollywood figures as; Steve Allen, Jayne Meadows, Diane Baker, Roscoe Lee Browne, Robert Cohen, Gordon Davidson, Mrs. Kirk Douglas (Ann Douglas), Dana and Judith Elcar, Nate Esformes, Ed Flanders, Will Geer, Valerie Harper and Richard Schaal, Paul Jenkins and Sally Kemp, Nancy Malone, Albert S. Ruddy, William Schallert, Lew Wasserman, Dennis Weaver, Mr. and Mrs. Ed Winter and Anthony Zerbe.

Walter Matthau, Jack Lemmon, Maureen Stapleton and the cast of "Juno and the Paycock" agreed to perform a special benefit performance on one of their few nights off, December 9, 1974. The evening was attended by a host of Hollywood notables and provided the NCCJL project with a lot of public exposure in the Los Angeles area. The proceeds of the evening were applied to a fund earmarked to purchase housing for the trainees and their families.

### Setbacks Too

Not all of our efforts were rewarded with success. In fact there were a lot of temporary setbacks and obstacles to hurdle. After almost two years of discussions and indications of help Xerox turned us down flat. We had first requested funds, which we were initially led to believe would be forthcoming once we had enlisted similar support from other companies. When Xerox continued to vascillate, we changed our request for money to an appeal for equipment. Finally, after a number of trips to their offices, and countless telephone calls and letters, we came to realize this process could go on ad in finitum and we decided to chalk it off as experience.

The same type of experience was gained with the D.C. Board of Trade and Sears Roebuck. Their representatives initially indicated interest, which soon turned to positions of "maybe", "if", "perhaps" and, finally, "probably not".

The most frustrating experience of all had to do with our efforts to secure a housing complex. This was the last important aspect of the program that had to be resolved before we could get the project rolling.

In the spring of 1974 we met with Archbishop Baum, of the Arch-diocese of Washington, to seek his help for the acquisition of housing for the trainees and their families. The principal reason for soliciting his help lies in the fact that the Arch-diocese of Washington is reported to be the largest single land holder in D.C., with the exception of the federal government. The second reason, and a very important one, had to do with support from the various national Catholic funding sources. We have been receiving some substantial financial assistance from various bishops, priests and organizations and we were advised that we would be unable to gain any large national funding and endorsements if we were unable to achieve the support of the local Arch-diocese, a simple matter of protocol.

Archbishop Baum promised to help somehow, either through a grant or a loan, but wanted us to meet with a committee of priests, nuns and laypeople that were responsible for criminal justice planning. He merely wanted their endorsement.

We met with the committee representatives on several occasions and during these discussions they indicated that they would be willing to endorse the project if we would be willing to let some of their efforts be incorporated with ours. When we agreed, their positions quickly became one that would have completely changed the entire nature of our concept and we felt this was an untenable position to be placed in. After a three-month period had expired since our discussions with Archbishop Baum, we were notified by a one-line letter that the Arch-diocese would be unable to help.

Bishop Andrew Grutka, of Gary, Indiana, is a member of NCCJL's Board of Directors. He has been actively involved in prison reform, has been the head of the nation's Catholic prison chaplains and is the person principally responsible for the National Catholic Conference of Bishop's statement which called for prison reform and alternative measures. At the fall meeting of the nation's Bishops he approached Archbishop Baum about support for our housing needs. Bishop Grutka was assured of Archbishop Baum's interest in our project and his willingness to support it. However, when we tried to set up a meeting with the Archbishop, he refused to meet with us and referred us once more to his committee. Having gone that route before, we felt that we couldn't afford a further delay and decided to look elsewhere.

### Crisis: The Hunt for Housing

In August we began negotiations to purchase two apartment buildings located near the training center. The buildings contained 42 two-bedroom and 2 one-bedroom apartments and were ideally suited to serve as our residential center. The owner originally wanted an extremely inflated price of $440,000 for the buildings, a rate of $10,000 per apartment. After many months of discussion he agreed on a price of $265,000 cash and a contract was to be signed in January.

While these negotiations were taking place we contacted Sammy Davis, Jr. about the possibility of heading an all-star cast of performers in a benefit performance to be held in Washington in early 1975, the proceeds of which would be used to purchase the apartment buildings. In October, during a supper meeting at his house in Beverly Hills, he agreed to do two shows. The first would be a high priced black tie affair in the 2700 seat concert hall in the Kennedy Center on January 4th. This would be followed by a lower priced affair at the 19,000 seat Capital Center on January 5th.

Albert S. Ruddy, the producer of "The Godfather" and "The Longest Yard", agreed to produce the show for television. He informed us that he had already contacted and received approval for this project from one of the major networks and that a sponsor was lined up to finance the show. Ruddy futther promised he would be able to deliver Burt Reynolds and Telly Savalas.

Allen Carr, one of Hollywood's top managers, and David Steinberg, a publicist for Sammy Davis and various other stars, promised to deliver Paul Anka and Marvin Hamlisch.

As these commitments came in we contacted Roberta Flack's representative and enlisted his interest. He wanted us to firm up the details and get back to him when everything was pulled together.

By December we began to experience difficulties in getting the Davis people to confirm any details, and the time that was needed to properly arrange for ticket sales, promotion and television production was running short. We talked to Sammy Davis by telephone between performances at

## COMMENTARY: A PLEA FOR HELP

**During the Christmas holiday season of 1973-4 I sent out an appeal letter to the people on our mailing list requesting funds for general support. At that time a promise was made that we would only utilize such an appeal once a year and we have kept to it, though on several occasions our financial scene was quite tight. As the lead story indicates, we have been extremely preoccupied with getting the project operational so we were unable to appeal for your help during the past holiday season. Since it is my personal responsibility to raise the resources for NCCJL, I thought I would make use of this month's limited editorial space to do a little begging. A lot of money is still needed to pay salaries, bills and mortgages. We also need more automotive and carpentry equipment and tools, trucks and cars, educational equipment and materials, furniture and office equipment. Please remember that all contributions are tax-deductible. Our immediate need for help is of special concern because my responsibilities will have to be shelved for about a month. Apparently my personal schedule has helped to surface a rare blood disease and anemia, which is forcing me to re-enter the hospital to have a counter-revolutionary spleen removed.**

**by George Mische**

Caesar's Palace in Las Vegas, Nevada and complained that his people were not returning our calls.

He assured us that he was committed to us and would be willing to perform whenever and wherever we should decide. It was then agreed that he would do one performance at the Capital Center on Monday, February 17th, which falls on George Washington's birthday. This promised to be an ideal date because holidays usually bring out a good attendance. With his reassurance we put a hold on the Capital Center.

The roof almost caved in on us in January. The owner of the apartment building backed out on our verbal agreement on the scheduled day of signing. He informed us he changed his mind and now wanted $350,000, apparently coming to the conclusion that if someone was willing to pay the previously agreed on price there would be someone else who would be willing to go higher. When this situation developed we quickly looked for and located alternate sites.

As these developments took place we were contacted by Sammy Davis' publicist and notified that Sammy would be unable to do the show because a previously scheduled night club engagement had been extended. With his withdrawal the entire show and housing financing collapsed.

The combined turn of events put us into a temporary state of shock. Months of work, expense, commitments to our supporters and creditors and, our planning with judges, lawyers, probation officials and the already selected trainees was suddenly being transformed into wasted energy and endangered credibility.

We had come too far and too long to quickly surrender to broken promises and after a short recovery period we began to move decisively towards providing alternate housing.

**First Trainee Received**

On February 10th we received our first trainee, Bernard Davis, from the DC Superior Court. Four days later Bobby Nelson became the second person to enter the program as a trainee. Bobby is single and twenty years old, whereas Bernard—also twenty—is married and has four children. Both were in immediate need of housing. Bernard's case was further complicated by the fact that his children had been placed in a children's home by court order when his wife was unable to find permanent housing following his conviction and sentencing. The court order stated that the children would be returned only when housing was secured.

As a temporary expedient, Bobby, Bernard and his wife moved into the residences of our staff. We now have taken a six month lease on a large unrenovated house near the training center which will serve as temporary housing until something more permanent can be established.

At the present time we are purchasing a large three story row house with the help of a loan from the Riggs National Bank. The house will be completely renovated by April. We are scheduled to receive two additional trainees, both of whom are single, during the last week in February. When the house is completed it will be occupied by Bernard, his family and the three single trainees. We are continuing our efforts to acquire additional housing for future trainees, who will be admitted at the rate of two a month from this point on.

**Economic Analysis and Danger**

Aside from all the humanitarian considerations that we could use to argue the logic of implementing a project such as this, it makes equal sense to look at some of the economic factors that are involved, and affected by, our current system of dealing with crime.

Studies of prisons increasingly show that, besides their failure to rehabilitate, they are wastefully expensive. Billions of dollars are lost due to crime and this fact is supplemented by creating and maintaining institutions that serve as schools for further crime. One can't help but wonder about the feasibility of pouring millions of dollars into maintaining prisons while an extremely high recidivism rate continues to be the return for our investment.

In contrast our program should be totally self sufficient in about two years, since the training and correction process will take place within the context of a growing business. The training center will be repairing automobiles, renovating houses and conducting various other enterprises available to the general public at rates much lower than the average entrepreneur because of the fact that we don't have the owner's profit motive to deal with. We merely want to see the program pay for itself.

Due to the fact that all of the support for this project is coming from the private sector, no tax payers' money is involved in the costs of running the program. By the very fact that we are taking the person from the prison's hands the program is assuming the bill that the taxpayer would have to pay if incarceration were to continue. In addition to the maintenance costs, the taxpayer will save an average of $5,000 per family that the welfare department would have to pay each year in support money.

The final economic factor that we have to consider relates to the problem of repeating offenders and overall productivity. As our prison systems continue to fail, the price tag of crime gets more and more costly for the taxpaying consumer.

First of all, an inflated economy produces an upward spiraling cost of replacing stolen property and this phenomenon will continue until we begin to reduce crime.

Secondly, crime will only be reduced when we are willing to make the drastic changes in our politico-socio-economic system that are needed to make people employable and able to meet their basic needs. This country is hurting financially because the productivity level is too low and the unemployability level too high.

Lastly, the bureaucrats of today are becoming increasingly successful at reproducing failure. The precarious aspect of this inability to learn lies in their tremendous appetite for building more prisons and experimenting with despotic methods. We can only give warning. If they get their way, and if the unemployment rate continues to soar because of a declining economy, we are going to be in the extremely dangerous position where our leaders may decide that massive incarceration of the unemployed is necessary. That possibility must be cut off at the pass.

# NEW NEWSLETTER FORMAT

We are running a tighter newsletter ship this year, with ten issues. One issue will combine the months of June and July and another the months of December and January to give us time to produce our annual NCCJL special publication.

We want to build each issue around a new format: an editorial page from the Director, a program page from the Associate Director, and the other pages devoted to the following topics in the field of legal justice–CRIME, LAW ENFORCEMENT, the COURT SYSTEM, PRISONS, LEGAL JUSTICE LEGISLATION, and CURRENT EVENTS.

Our Washington, D.C. location enables us to provide you with breaking developments in the governmental institutions, but also, because of our contacts with other organizations in criminal justice work based here in the capital, we will be able to report trends in the categories of concern which are listed above.

But none of that will take precedence over any feedback from other readers in other parts of the country. Send us whatever clipping or word of mouth or inmate correspondence you think is pertinent.

We want to continue to carefully document by objective reporting the grievances coming out of our police, court, and prison systems. We also want to report on the best alternatives to legal justice institutions. So let us hear from you.

$12.00 contributors from 1974 will receive a subscription extension through 1975 . . . our thanks for enduring an erratic schedule.

# NCCJL GUIDELINES AND POLICIES

The following are working guidelines and policies for the topics which will be presented in the Newsletter, so that NCCJL policy on each will be as clear as possible and a frame of reference given for our selection of news.

### A Base for NCCJL'S Work

NCCJL work in the legal justice field began on the issue of prisons. The staff themselves had been through the legal justice systems as offenders because of their involvements in the human rights movements of the sixties–peace and civil rights. So their knowledge of the systems was not book learned.

Everywhere, even in the "classier" federal prisons, it was obvious that defendants and inmates came from the poor-lower class and minority groups.

From this NCCJL came to conclusions which many modern criminologists share, conclusions which would form a base for all of NCCJL's work in legal justice.

The conclusions were that the officially designated "criminal" is the product of a long process of selection by society–a process which selects the poor.

Society could just as easily designate wealthier persons to be criminals–studies show that they commit as much crime. In fact, studies show that all classes commit crimes and that most persons have committed some offense, although few have been arrested.

We must conclude that society is not serious about the true definition of "crime" and "criminal," that the attempts to end crime are largely rhetorical and self congratulatory and that law is enforced against only a certain group out of the many it could touch.

Society's concept of law and crime does not take into account the economic bias of its selection process.

In order to pat its own back and assure itself that we are doing something, society maintains its crime–which is crime of the poor–without ever getting at the whole of crime.

Its legal justice systems, especially the prisons, are actually crime creating–maintaining the poor, that is the selected criminals on a treadmill of arrest, prison, and return to prison.

To reveal this fiction, to address real problems of crime, new definitions and new approaches are needed.

Rather than an endless searching for the underlying causes of crime, it becomes important to show how society defines crime–how it decides to punish one drug for example, marijuana, and not another, alcohol (the drug of the punisher), how it selects one person to be an offender, arresting, prosecuting and imprisoning the lower class person who burglarizes for $100 while dealing informally or out of court with the upper class swindler of thousands of dollars to avoid damaging his reputation.

The most successful criminals–in some cases Presidents or Vice Presidents–those realizing the greatest economic gain are rarely caught, prosecuted or punished.

As U.S. Senator Phillip Hart has observed from his questioning of corporate criminals–"for the affluent and influential loopholes in the law are so abundant it takes determination to avoid them." The loopholes are legion–civil damage suits, cease and desist orders, license revocations, fines . . . all slaps on the wrist. But the loopholes or holes, rather, available to the poor are arrest, court, and prison.

Given these biases in the criminal justice systems, the "criminal" must be redefined. The criminal is not he or she who commits the crime (because non-criminals have done that also) but the criminal is he or she who has been caught, tried, convicted and punished.

Apart from this fact of conviction there are no differences between criminals and non-criminals. Different groups are treated differently for behaviors that are objectively identical.

### Politics

To further complicate this biased, "normal" process of selection of criminals by society, we add yet another dimension of unfairness in the criminal justice systems which resulted from the political turmoil of the sixties–the political dimension.

Since each regime defines its own criminality, those deemed dissidents (especially ones from minority racial groupings) have come to be prime selectees for processing by the criminal justice systems. And on the other side of the coin, those with connections to administrations in power become the favored to be treated lightly in the systems. Thus a Vice President receives a suspended sentence for his briberies while another briber goes to jail or the veep is allowed to carry a hand gun under the Maryland gun licensing

restrictions while another convicted felon is not. An ex Nixon administrator ex offender receives $3000 dollars for a lecture fee while an ex auto mechanic ex offender must wait in the unemployment line.

### The Work to Be Done

With these biases of wealth and influence built into the legal justice systems, the enormous work of change to be done is clear. Each of the legal justice institutions can be seen in the light of these biases. And defining crime and criminals by the standards of prejudice and discrimination built into the law affects every area we intend to cover in our Newsletter.

### Crime and Law Enforcement

All the gradations and distinctions of crime must be drawn—white collar crime, street crime, victimless crime . . . . If it is agreed by society that the worst crimes are those of violence against persons—rape and murder, then LAW ENFORCEMENT activities should not be focused on street crime (the domain of the poor) or victimless crime but against personal violence in whatever forms. Connections must be made between violence and the perpetrators of conditions which cause violence, not just between violence and the offender who shoots, stabs, or assaults. It may be the impersonal bureaucrat, the corporate or institutional polluter, insurance employee, auto or real estate dealer, price fixer or firearms manufacturer who is causing more violence. Upper class and official violence should not be disguised in rhetoric or excused because of the reputation of those who commit it.

On the other side of the coin, if upper class economic crimes—crimes of fraudulent advertising or unsafe products—if these crimes are fairly well tolerated and absorbed by society and the economy then it is unfair to punish the crimes of the poor severely.

Rich and poor should be arrested alike, standards of arrest applied in proportion to the true seriousness of the crime. Special care must be taken with regard to the arrest of juveniles. Alternatives to arrest must be explored.

Our policy is to alert our readers to alternative approaches to street or victimless crime throughout the country.

We will be attentive to the crimes of large corporations against the consumer.

We see a continuing need to assess Justice Department and SEC pursuit of white collar criminals.

The questions of law enforcement become: against whom are laws enforced, which class of people do they protect, who is chosen to do the protecting and how are they trained?

### Law Enforcement Priorities

Law enforcement agencies should strike a more proper balance between bandaid remedies and preventive medicine, spend as much time on police reform or better techniques of patrol or gun control legislation as they spend on perfecting new hardware.

We will search out and criticize such gimmicky programs as money for returned handguns when new ones can be easily purchased.

### Law Enforcement & Community Involvement

Community involvement is crucial to all steps in the law enforcement process—citizens riding along with police, hiring of minority police in the ghettos, police problem ombudsmen and citizen review boards.

A policeman witness at NCCJL's National Assembly on Legal Justice put it this way, "Most crime is committed in minority communities where there is the most hatred and fear of the police. The police maintain law and order in these areas through this fear; brutality is the natural consequence. These attitudes do not exist in white suburban areas. These differences in attitude produce a double standard of police activity which results in far more harsh treatment for blacks than for whites.

In dealing with the police department, the public finds it to be a sacred cow, a closed system not open to public scrutiny. No one controls the police department. For example it is extremely difficult to dismiss a policeman or even transfer him to another beat. Police cannot solve the crime problem because of its deeper socioeconomic roots, but they do not even manage it adequately. The quota system for traffic tickets and arrests does nothing to reduce real crime; it is discriminatory and it creates crime statistics which are phony and easily manipulated.

Police departments could be upgraded by recruiting from broader areas and backgrounds—letting paramedics and lawyers assist on the force, and changing police training so that it is not ignored after the graduation from police academies."

The witness also stated, "Intelligence gathering by police is dangerous and 95% of the reasons for this activity are wrong."

### The Courts

The COURTS share in the economic bias built into the societal version of crime so that the poor are the longest detained, the worst represented. Due process depends on the wealth of the defendant.

The tragedy of the poor in court begins with complex, mystifying procedures. NCCJL policy calls for full disclosure of courtroom procedures in language understandable to the uneducated defendant.

At the arraignment begins the process of plea bargaining with its dangers that an innocent person may be coerced into sacrificing his or her constitutional right to trial by threats of the maximum sentence if trial is sought and promises of leniency if a guilty plea is entered. Necessary steps should be taken to put an end to the process of plea bargaining.

The tragedy continues with long pretrial detention in jail because the defendant cannot afford bail, or because prohibitive bail is set without regard to the financial status of the arrested individual. We recommend an end to the cash bail system and the exploration of more equitable and humane alternatives such as third party custody or relaxed terms of personal recognizance.

Medical attention should be available to detainees.

The ordeal for the poor continues with a roulette wheel of lawyers and oftentimes poor counsel. We recommend that skilled public defenders be made available to all.

Although there is new federal legislation requiring trial within 90 days, the wait is still too long and courts have several years to phase in the requirements depending on the state.

At the time the defendant finally reaches trial, he or she will not be likely to face a judge or jury of his peers. The training of judges and the selection of jurors is due for investigation.

Especially dangerous are the abuses of recent grand juries who are, in the words of F. Lee Bailey like "a flock of sheep led by the prosecutor across the meadows to the finding

he wants," juries convened for federal investigative agencies to fish for information on political dissidents—juries that are a far cry from their original intent to be "a shield to protect the innocent and a sword against corruption."

A recent Harvard study has shown that a chief cause of physical violence and mental unrest among prison inmates is a lack of certainty about how long they will have to stay behind bars. According to Herbert Miller, co-director of the Institute of Criminal Law at Georgetown wide discretion of judges has made "the sentencing process the most lawless phase of our criminal justice systems."

Steps must be taken to enact a new and standardized code of sentencing which would limit the discretionary power of judges who sentence with great variation persons convicted of the same crime.

NCCJL will report and recommend new standards of sentencing.

We will report and support groups protesting the indeterminate sentence.

We will recommend alternatives to sentencing, for example the New York judge who recently sentenced two white collar criminals to serve out their time working for the poor.

We recommend that an accurate record of the sentencing decisions of every judge be annually published in order to allow citizens to monitor the judges who are accountable to them until such time of flat rate or determinate sentencing by statute which would make every judge's decision uniform.

The courts as well as law enforcement agencies should pay less attention to the development of sophisticated hardware like plexiglass booths for dissident defendants and more for courtroom video to speed up the trial. New courtroom construction should de-emphasize the forbidding nature of most courts. The courts should be returned to the community.

As in our law enforcement recommendations, we recommend community involvement at all steps in the court process—from community release efforts and third party custody for detainees to court watching projects.

### The Prisons

To apply new definitions of crime and criminals that account for economic bias to the area of corrections is to insist on a total overhaul.

It is to argue that we either lock up upper class as well as lower class criminals or practice the utmost leniency in sentencing all classes of offenders and do whatever is necessary to rehabilitate the offender to the best societal norms.

NCCJL agrees with many that our warehouse, cellblock, and fortress prisons are not doing the job.

Indeed the cry has never been louder for the replacement of prisons by diversionary programs or pretrial intervention programs or community corrections programs.

The recidivism or return-to-crime rate of offenders placed in community correction sites rather than prisons is less than for those in prison. Community correction costs less. Community corrections are obviously more humane. Also offenders in such alternatives to prisons may benefit society by becoming skilled auto mechanics rather than skilled license plate stampers. NCCJL's Alternative to Prisons project is an example of such a training program.

So, the call for replacement of prisons exists everywhere except where jobs depend on them—in the Bureau itself or in the depressed or rural areas where prisons are commonly built because they provide jobs and meet the least resistance.

NCCJL policy on prisons is to continue documenting the stories of outrage that everyday come out of them—and we especially invite correspondence from those in prison.

Also we will recommend and report those alternatives to prison which are building that community the Attorney General says does not exist.

Our policy on prisons is that they should be the final alternative to the legal justice system rather than one of the first. Thus construction of new prisons should be halted. All forms of alternatives to prison should be utilized—whether pre-trial or post-trial, whether diversion, intervention, probation, suspension of sentence or community corrections, whether work or study release, whether quarter-way, half-way or whole-way houses.

In the meanwhile there should be better training for prison guards. The guards themselves are aware of their own inability to carry out their work effectively. In New York for example they have requested the establishment of a training academy, with emphasis on training in human relations and related subjects that could equip them to deal more effectively with inmates.

All prisoners should be granted the full rights and protections guaranteed by the constitution. They should be paid the legal minimum wage.

Inmates should be given due process. Full disclosure must be made of all correctional procedures, in-prison "courts" and parole board hearings in particular. Lawyers and law books should be made available.

Behavior modification programs and techniques—whether direct physical control through drugs that render the inmate more docile or cause adverse reactions to recondition the inmate or control of the environment by confessional sessions or tier systems should be discontinued.

Inmates should not be made available to agencies for medical experimentation.

An immediate reform should be the right of inmates to present grievances collectively, to take part in prisoner unions and to have access to ombudsmen who are more than observers, who have real decision making power.

Furloughs should be more readily available to inmates, especially towards the end of their sentences to make their move back into society easier.

Inmates should be given enough money to make a new start upon release.

Once again we call for full community involvement—in all phases of prison life from prisoner visitation to prisoner tutoring.

### Legislation

Formation of legal justice legislation has begun in the 94th Congress. There are eight bills on prisons alone. There are bills on medical experimentation with prisoners from Mitchell of Maryland, on rules of treatment of federal prisoners from Badillo of New York, on gun control from Conyers of Michigan. But if the bills of the past are an indication of congressional power, much needs to be done for more meaningful change. Sweeping recommendations by the National Advisory Committee on Criminal Justice Standards and Goals are yet to be implemented.

Legislation with the teeth of enforcement needs continual upgrading and coverage. Prison legislation may serve as a good example: it is hoped that budget reform and oversight committees may command real cuts to the Bureau of Prisons budget proposals for massive new building plans in this session.

The oversight hearings will be conducted by the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice under Congressman Robert Kastenmaier. His office is looking for testimony on the Bureau of Prisons overtures to areas in which to build the new prisons and also for evidence of financial mismanagement in existing federal prisons.

The Bureau's call for initially estimated expenditures of 6 to 700 million dollars for 20 new facilities was answered with nearly 14 million by the 93rd Congress and yet, according to Ed Honnold of the Friends National Committee on Legislation, "the plan has never been examined or monitored by or justified to Congress."

So NCCJL will continue to report and criticize Congressional activities in the field of legal justice.

Once again, Congressman Badillo of New York has given NCCJL an open hand to help his office by consulting on new legislation and new approaches to the problems of prisons. We invite you, our readers, to help with your ideas.

### Summary

It is with these guidelines and policies, then, that we begin our new Newsletter format. Each of them, to sum up, is framed in the light of our society's economic inequalities, inequalities which color every stage of the legal justice systems.

The connection of crime to economic conditions can be but a starting point of analysis—since there are other and complex causes like community and family breakdown. The economic connection is the simplest starting point.

The overall picture is one of great waste and inefficiency: losses due to crime amount to approximately 20 billion dollars a year, and 5 billion has been spent for crime prevention which does not prevent—a 25 billion price tag to the tax payer for a war that is being lost (and these figures are from 1970!!).

To the conservative in the legal justice field the war is lost because a high percentage of offenders prosecuted never go to jail but are diverted somewhere along the way.

Jail, however, is not a deterrent, when the figures are that every 4 out of 5 crimes considered to be serious in this country are committed by repeaters—those supposedly "corrected" in prison. In some states that figure may run as high as 70%—7 out of every 10 released convicts will strike again. It doesn't happen by accident, for out of every dollar spent in the field of corrections, 95 cents goes towards the cost of warehousing offenders and building new prisons. Only the remaining nickle is spent on what is termed "rehabilitation."

Upon release, the prisoner is given some 50 dollars with which he or she is supposed to start life over again. But you can't live forever on 50 dollars. And you can't find work on the streets, especially now, using the skills you learned on obsolete equipment working in the prison factories. Every application asks the question, "Have you ever been arrested?" If you go into prison undereducated and underskilled, that is the way you will probably come out, with the added stigma of having done time.

At this moment there are 400,000 men and women being held prisoner in our jails and prisons. They are disproportionately black and Spanish. Ninety-five percent of prisoners lack high school diplomas. Seventy-five percent have no job skills. They are the undereducated and the unemployable. The overwhelming majority of inmates in a typical state prison—83 percent—are there not for rape, not for assault, not for murder, but for stealing, pure and simple. Some steal out of greed. Most steal out of necessity—it is the only way they can survive in our society.

NCCJL REPORTS, and NCCJL will proceed according to its concern for this theft—which is basically society stealing from the poor to give to the rich.

**NCCJL REPORTS is published ten times annually by the National Coordinating Committee for Justice under Law. Each summer NCCJL offers a special publication that deals with a legal justice topic that is of current importance. NCCJL is a non profit, tax exempt organization. Persons making annual $12.00 contributions to the work of NCCJL will receive all publications. Those who are incarcerated or lack sufficient resources need not contribute.**

**Executive Director: George Mische**

**Associate Director: Rev. Peter Fordi S.J.**

**Mailing Address: 1750 Lanier Pl N.W.**
**Washington, D.C. 20009**

**Telephone: (202 265-3800)**

## AVAILABLE FROM NCCJL

**THE MASSACHUSETTS EXPERIMENT** pp 47

A study of the '72, '73 community release programs instituted by Commissioner of Corrections John Boone which cut the Massachusetts adult prison population nearly in half, also the '72, '73 shut down of juvenile jails. How these rapid changes were made and what resistance to them was encountered.

**AN INVESTIGATION AND ANALYSIS OF FEDERAL PRISON STRIKES** pp 124

A study of significant federal prison strikes, their causes and consequences.

**PRISON**

An 85 frame color film strip with 17 minutes of recorded narration by ex-offenders of various backgrounds—the pictures come from behind the bars. Also a one hour tape cassette of interviews with four leaders in the field of corrections. A guidebook is included which lists action projects around the country, study-action resources, and a bibliography of legal justice publications.

____ PRISON @ $15.00 per copy
____ THE MASSACHUSETTS EXPERIMENT @ $1.50
____ AN INVESTIGATION AND ANALYSIS OF FEDERAL PRISON STRIKES @ $2.00
____ NCCJL REPORTS AND FUTURE PUBLICATIONS –$12.00 contribution

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Make checks payable to NCCJL

# NCCJL

## NATIONAL COORDINATING COMMITTEE FOR JUSTICE UNDER LAW

1750 LANIER PLACE, N.W. WASHINGTON, D.C.20009

TELEPHONE
(202) 265-3800

GEORGE J. MISCHE
EXECUTIVE DIRECTOR


NCCJL has initiated a project that will serve as a model for future alternatives to prison. The scope of the project is to offer both economic and social rehabilitation opportunities to those who would ordinarily be sentenced to prison. This means that the Courts will sentence offenders to our program for three years and we will provide skilled job training and ongoing employment. We will relocate the trainees and their families to better housing where they will have the opportunity to develop it as a cooperative venture. The trainees will be paid while in the three year program on the basis of the median national income.

Obviously the initial cost for such a project will be high but we are convinced that the project is not only worthwhile and necessary but will also prove to be less expensive and a more productive alternative to the present system of incarceration. Someone once said that prisons are a measure of a society's humanity and civilization. We have a long way to go as a nation if this is true.

The government looks to solve the penal crisis by building more maximum security prisons and using the vast resource of our tax dollars to finance the most horrendous Clockwork Orange style of human manipulation in the name of rehabilitation. We look to create an alternative to the human wasteland created by these institutions by using our resources in such a way that people can achieve social and economic self-reliance. The government is unwilling to spend money on this kind of experimental program, so we must rely on private assistance.

Many individuals, corporations and foundations have expressed interest in the project. Their interest and support has helped to bring our project from the idea stage to the implementation stage. But, we need much more help if the project is to become a model for similar efforts around the country. This is where we would like your help.

We are organizing a series of fundraisers which we hope will help raise needed resources and publicize the project. When they occur we would like you to attend and urge your friends to do so too. Secondly, we need many more hardware items such as vocational tools and equipment, educational machines, office and residential furniture, vehicles, etc. If you have access to any of these items please contact us. Finally, we need people help. There are a host of skills that we can utilize on a voluntary basis. Contact us and we'll have something for you to do.

NCCJL is a non-profit tax exempt organization that was started in 1972 by several people who had served jail and prison terms for anti-war activity.

NATIONAL COORDINATING COMMITTEE
FOR JUSTICE UNDER LAW
1750 LANIER PL., N.W.
WASHINGTON, D.C. 20009

The Hon. Julius Hobson
District Building, 5th floor
14th and E St. NW
Washington, DC 20004

Personal

I.D. #897-75
L.D. #75/827

P.D. 158-151

The City of New York

POLICE DEPARTMENT

NEW YORK, N.Y. 10038

June 18th, 1975

Julius W. Hobson
Councilmember at Large
Council of the District
of Columbia
Washington, D.C. 20004

Dear Councilman Hobson,

Your letter to Lieutenant Matthew Byrne of the Legal Division requesting a copy of our Public Security Guidelines has been referred to this office.

Enclosed is a copy of our current guidelines. They have been in existence since 1972 and are currently being re-examined to make certain they are as tight as they can be.

If there is any other way in which we can be of assistance to you please call on us.

Sincerely,

James B. Meehan
Deputy Chief

JBM:hl
Enc.

Intelligence Division
325 Hudson Street
New York, New York 10013

RECEIVED
JUN 2[illegible] 1975
Julius Hobson Jr.
Councilmember-At-Large

July 2, 1975

STATEMENT OF MRS. VIRGINIA MORRIS, PRESIDENT, D.C. BOARD OF EDUCATION

Mr. Chairman, Ladies and Gentlemen, I deeply appreciate this opportunity to appear before the Committee on Education, Recreation and Youth Affairs of the District of Columbia City Council and present the views of the Board of Education related to specific areas which are of major concern to us.

May I call to your attention the fact that several of these concerns were previously presented to you in a document entitled "Legislative Program for the D.C. Public Schools", and submitted for legislative action in February, 1975. To my knowledge, no action related to any of these areas has been initiated.

Specific pertinent requests from the aforementioned document are as follows:

1. Amendment to Child Labor Laws. P. 23 (Act)

> To amend the Act entitled "An Act to regulate the employment of minors" so as to extensively revise the existing child labor laws for the District of Columbia.
>
> The purpose of the bill is to extensively revise the existing child labor laws of the District of Columbia (45 Stat. 998; D.C. Code, title 36, ch.2), enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. At the same time, the bill would continue to protect, as does the present law, working youth from exploitation, and prohibit their employment in hazardous or dangerous occupations.

In order to increase employment opportunities for young men and women of the District, the amendments made by the draft bill would eliminate distinctions in employment based on sex by removing the barriers which restrict girls to certain occupations and circumscribe their hours of duty, and would expand the permitted working hours and areas of employment for all minors. It would eliminate obsolete job restrictions and establish standards more realistically related to modern working conditions and requirements. The bill would further authorize the issuance of a work permit to allow the employment of minors in sports activities, radio and television programs, as fashion models, and in theatrical, motion picture, musical and similar productions.

2. Non-resident Tuition

Each year the D.C. Public Schools collect approximately $40,000 in tuition funds for service to students who do not reside in the District of Columbia. The Board has requested that it be authorized to establish a revolving fund.

To authorize the establishment of a $40,000 revolving fund to be known as the "District of Columbia Public School Non-resident Tuition Fund" and to amend the Act entitled "An Act to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia and for other purposes" (D.C. Code sec. 31-307 et seq.) so as to empower the District of Columbia Board of Education to independently fix schedules of tuition fees, allocate funds accruing therefrom, without fiscal year limitation, and make regulations to carry out the intent and purposes of the Act.

Since 1968, the Board of Education has sought an amendment to the District of Columbia Non-Resident Tuition Act. An additional request for this amendment was made by Superintendent Hugh J. Scott in 1973.

At the present time these funds are collected by staff on the payroll of the D.C. Public Schools. However, the monies

collected are placed in the General Fund of the District of Columbia Government and are not made available for use by the School System. The same situation is applicable to the D.C. Public School Adult and Continuing Education Programs. If these funds were made available to the D.C. Public Schools, they could be utilized to augment services for students in both the regular program and in the Adult and Continuing Education Program.

3. Information and Communication Services.

By virtue of the fact that Washington, D.C. is the Nation's Capital, its schools are scrutinized by two constituencies -- local and national. In states throughout the nation, resources are allocated for publication and distribution of materials designed to inform the public about school plans, programs, and activities.

In most cases these publications are made available to the public without cost. In some instances, booklets and pamphlets are available for fixed fees. The Board of Education in its 1976 legislative program requested authorization to establish a revolving fund to be known as the "District of Columbia Public School Research Publications and Informational Services Fund," and to empower the District of Columbia Board of Education to fix schedules of fees for such publications and services, and allocate funds accruing therefrom, without fiscal year limitation.

The enactment of this legislation will provide a communication mechanism which will inform the citizenry -- local and national -- about the D.C. Pubilc Schools, create a positive image, and dispell the stigma which accrues from misinformation.

4. The Waddy Decree

I am sure that the Council is aware of the impact of the Waddy Decree on the D.C. Public School System. To minimize the problem, it is essential that the Council enact expeditiously a comprehensive District of Columbia Special Education Bill.

Such a comprehensive District of Columbia Special Education Bill should be designed to define and regulate: (a) age parameters and categories of exceptional persons to be served; (b) scope of educational and ancillary services; (c) roles and cooperative inter-relationships among District agencies providing such services; and (d) funding formulas required to provide resources.

Another area which has been presented to the Council is: The D. C. Public School Post-Secondary Education Reorganization Act, Public Law No. 93-471.

I appeared before the D. C. City Council on March 7, 1975, and invited the Council's attention to Section 405 of the Act which addressed itself to reprogramming of appropriate funds up to $50,000 and contracting with the governments of the United States and the District of Columbia and other public and private agencies to render and receive services.

Traditionally, the Board of Education has been unable to utilize its total allocated resources because of difficulties in obtaining reprogramming approval due to massive bureaucratic problems. In an effort to alleviate this problem, in July of 1973, the Board requested from Congress the power to reprogram its funds up to $500,000 without prior or subsequent approval by the Council. Any reprogramming in excess of the above-stated amount would be approved by the Council within ninety (90) days of receipt by the Council.

It is imperative that this Committee cease from any further postponement of this long overdue legislative authority to empower the Board to act independently in the reprogramming and contracting areas. The D. C. Council Bill No. 1-75 "to amend the effective dates of the D. C. Public Postsecondary Education Reorganization Act and for other purposes" will result in further delay (from July 1975 to July 1976) in granting the Board these authorities.

An additional phase of D. C. School operation which requires legislative action by the Council is:

The transfer of full authority for establishing salary levels and classification of all school employees to the D. C. Board of Education.

Under the present system, the D. C. School System must transmit all requests for reclassification of positions to the District of Columbia Government, an involved and lengthy process which often creates problems for the Board in utilization of grant resources to the fullest extent. (Authority to establish salary levels which presently resides with the City Council should also be transferred to the Board of Education.)

In conclusion, there is dire need for legislation setting forth comprehensive revisions in Title 31, D. C. Code, of items affecting the D. C. Public Schools which will repeal or amend segments to conform with the present academic structure of the System and to correct technical errors in codification, cross-references, etc.

More specifically, there must be a more definitive statement which defines the working relationships, areas of responsibility, and accountability between the Board of Education and its Chief Administrative Officer. The enactment of this legislation with corresponding interpretation will provide enlightenment for the citizenry and establish a basis for more effective and positive relationships between the Board and the Chief Administrator of the D. C. Public Schools.

If expeditious action is taken by this Committee and the Council on the above enumerated recommendations, the City Government and the

Board of Education can begin to rebuild public confidence in and support for the D. C. Public Schools.

May I thank you for extending to the Board of Education this opportunity to present its views to the Committee on Education, Recreation, and Youth Affairs.

August 6, 1975

Mr. Edward Murphy
2306 Georgia Avenue, Northwest
Washington, D.C. 20001

Dear Mr. Murphy:

Congratulations to you and the Peoples Involvement Corporation upon the groundbreaking ceremony for the Harambee Hotel. I sincerely regret that I was unable to participate in the ceremony. Thank you for the invitation.

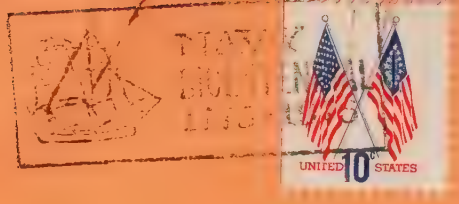
Sincerely,

Julius W. Hobson

*GROUNDBREAKING CEREMONY*

*We are happy to announce that the Peoples Involvement Corporation and Ed Murphy's Hotel Corporation will hold the groundbreaking ceremony for the Harambee Hotel on Tuesday, July 29, 1975. The ceremony will be at 11:00 a.m. and will also serve as a Bicentennial Kickoff for the District of Columbia. Refreshments will be served immediately after the affair at*

*Ed Murphy's Supper Club*
*2306 Georgia Avenue, N.W.*
*Washington, D. C. 20001*
*234-3617*




Mr Julius Hobson
City Council Member
Rustred Bldg
Washington, D.C.

October 10, 1975

Mr. Harry T. Mahoney, President
District of Columbia Polygraph Association
1038 Evarts Street, N.E.
Washington, D.C. 20018

Reference: Lie Detector Tests Bills

Dear Mr. Mahoney:

Thank you for your communication concerning legislation currently pending before the Council of the District of Columbia.

I appreciate your interest in the affairs of the city. I will certainly keep your views in mind when the Council considers this issue.

Sincerely,

JULIUS W. HOBSON
COUNCILMEMBER AT LARGE

DISTRICT OF COLUMBIA POLYGRAPH ASSOCIATION
1038 Evarts Street, N.E., Washington, D.C. 20018
(202) 347-7617

27 August 1975

Councilmember Julius W. Hobson, Sr.
Council of the District of Columbia
District Building
14th and E Streets, N.W.
Washington, D.C. 20004

Honorable Councilmember Hobson:

Two bills have been introduced to prohibit the use of the polygraph in the District of Columbia. The circumstances which prompted the introduction of these bills will not be remedied by prohibition. The value of the polygraph in protecting the innocent and serving all businesses in the District of Columbia as an effective tool of management can best be served by prudent licensing.

Please read the enclosed pamphlet on the polygraph with an open mind and then make your decision. The suggested licensing legislation on page 17 is similar to a model licensing proposal previously submitted to you.

Realistic licensing would eliminate any obnoxious practices which may have prompted these bills. We urge you to put the unethical practioneers out of business and still allow the businessmen in the District of Columbia and wrongly accused individuals the protection of the polygraph technique.

Respectfully submitted,

Harry T. Mahoney
President
District of Columbia Polygraph Association

# THE POLYGRAPH STORY

*Dedicated to Man's Right To Verify the Truth*

# THE POLYGRAPH STORY

*Dedicated to Man's Right To Verify the Truth*

J. KIRK BAREFOOT, *Editor*

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# INTRODUCTION

On July 25, 1968 the Lexington, Massachusetts branch of the Arlington National Bank was held up by three men, one of whom fired a shot from his pistol. Later, suspects were rounded up and three tellers positively identified one man as a participant in the robbery. According to Lexington Police Captain James J. Lima, "based on circumstantial evidence and this positive identification, the suspect would have unquestionably been indicted, tried and convicted." The maximum penalty in Massachusetts for armed robbery is life imprisonment. . . .

A worker in Akron, Ohio lost his job after a plant guard accused him of stealing company property. The man's union, believing the case against him was too strong, refused to go to bat for him. . . .

A worker in a major mail-order warehouse in the Midwest was handed a piece of jewelry, belonging to the company, by a fellow employee. The transaction was observed. The fellow employee was searched on the way out at the end of the day; another piece of jewelry was found and she was dismissed. The first employee, on being checked the following morning, said she had returned the item, but signed a statement admitting she had "done wrong," on the basis of which she was fired. . . .

Often, it's the principle of the thing. Two Oklahoma men, long-time employees of the Bell System, were fired for shortages of less than $3 in a coin telephone box. . . .

All four stories have the same happy endings: The accused persons were cleared on the basis of polygraph, or "lie-detector" examinations. Shortly after the Massachusetts man was released from custody, another suspect confessed. The man from Akron was cleared when the accusing guard's story developed discrepancies while his own polygraph test indicated he had no knowledge of the crime (the guard refused to take a test). The lady fired for accepting the stolen piece of jewelry went to her union and said she had signed the damaging statement because she was "scared." Union and management agreed to abide by the results of the polygraph exam; the exam showed the woman had not stolen, and she was reinstated. The case of the two telephone workers is still in arbitration, but their lawyer has every confidence they will be reinstated—thanks to polygraphic evidence that indicates they are completely innocent.

*What isn't so happy is the fact that three of these four innocent persons might never have been cleared of suspicion—if certain misguided leaders of organized labor had their way.* The first case was a police matter, and police departments the country over, rely on the polygraph as a dependable indicator of innocence or guilt. In the other three cases, no criminal prosecution was involved; but in each, jobs and reputations were on the line, and in each it was the polygraph that established the truth. Given these cases—and thousands more like them—it seems strange that union leaders, who supposedly have their members' best interests at heart, have launched a campaign against the polygraph that all but equates it with the medieval torture chamber.

Losses resulting from theft from American business and industry total more than $4 billion annually, according to expert estimates. Authorities agree that 60 to 75 percent of that total is chargeable to employee-related theft (as opposed to theft by such outsiders as burglars and shoplifters). The Small Business Administration estimates that theft is the principal cause of business failure in over 50 percent of bankruptcies. Both large corporations and small businesses are usually able to absorb theft losses only by raising prices, thus passing a large part of the loss on to the consumers—the American public.

America has experienced great shifts in population since World War II: Ours has become a mobile society. Job applicants no longer generally come from an employer's immediate community; thus the employer must screen prospective employees. Unfortunately, most employers are reluctant to release derogatory information about former employees out of fear of lawsuits. Consequently employers have come to put little faith in the traditional reference letters because they themselves refuse to be candid in responding when such questionnaires reach their own desks.

Most police departments and the FBI do not make their criminal files available to the private employer. Many companies have found that the so-called background investigation conducted by private agencies is often next to worthless and reveals little that is not already known to the employer. Such investigations are particularly susceptible to influence by malicious neighbors, vindictive past employers or disgruntled former fellow workers. Clearly, such a procedure is inadequate from the employer's view; equally important, it is fraught with the danger of injustice to the job applicant.

Some segments of organized labor have given little more than lip-service to the growing problem of employee dishonesty. Instead of undertaking educational programs, organized labor often makes public statements condemning dishonesty while many of its locals attempt to thwart employers' attempts to control thievery. They have attacked the use of closed-circuit television, undercover investigators and criminal record checks, and have directly interfered with internal investigations by employers, by advising employees of "their rights." In the face of such opposition, many employer investigations have been stopped cold. The union argument that these are matters for the police to handle is less than sincere:

Labor unions know all too well that most police departments have neither the manpower nor the specialized abilities to delve into the intricacies of a company's pilferage problem.

As a result of these hard realities, many employers have turned to the polygraph to screen job applicants and to aid in internal investigations. It is interesting that the use of this technique over the past twenty years has increased in direct proportion to the rise of employee theft. Organized labor's opposition to this trend has ranged from demands at the bargaining table to attempts to secure adverse legislation at both the state and federal level. So far, labor has had less than satisfactory success. A few companies that were not polygraph users have agreed to contract prohibitions, and in approximately fourteen states laws have been enacted against polygraph use, ranging from restrictive measures to outright prohibition of the technique for businessmen. Labor-sponsored attempts against the polygraph have been defeated or vetoed in approximately the same number of States. Seventeen other states, however, have taken a more positive step by enacting legislation for licensing and control of polygraphists.

Labor's basic argument against the polygraph is that the technique is invalid, unreliable, and smacks of witchcraft. But the fact that polygraph usage continues to grow certainly suggests that it must be producing results for the business community.

Because some of labor's "expert witnesses" against the polygraph have reversed their opinions in recent years, labor now feels it must take a new tack—now it charges that use of the polygraph involves violations of the Fourth and Fifth Amendments to the Constitution: the protections against unlawful search and against self-incrimination.

*In order to answer these and other charges, and to present a factual account of the use of the polygraph today, the American Polygraph Association, in cooperation with the National Committee for Employee Integrity, offers this report.*

# RIGHTS AND WRONGS

### A. Constitutional Rights

Opponents of the polygraph claim the employee or job applicant should have Constitutional protection against self-incrimination; should be able to "take the Fifth Amendment" when a question as to his honesty arises. Of course, the question of the Fifth Amendment is moot in the employer-employee relationship. Unlike the accused criminal, who might otherwise be forced to testify and thus face imprisonment, the employee or job applicant may refuse to take a polygraph test. He is not in a court of law; he has a choice in the matter. *It is also significant that physiological tests similar to those made by the polygraph—for instance, blood tests, alcohol tests—have always stood the test against self-incrimination.*

Opponents further charge that the polygraph test violates the subject's right to privacy, including his right to conceal past criminal activities. Under the Common Law, the right to privacy protects the individual only against unwarranted intrusions by the state. An employee or prospective employee can be given a polygraph examination only with his knowledge and consent.

The First Amendment right of free speech is given a bizarre twist by anti-polygraph forces, who expand it to include the right *not* to speak. The Ninth Amendment is also trotted out: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." But this argument applies just as well to other rights, such as: the right of a citizen falsely accused of a crime to gain release or avoid prosecution through the truth-verifying polygraph examination; the right of a falsely accused employee to avail himself of a polygraph test to protect his job; the right of the businessman to protect his assets against internal thievery; the right of the polygraphist to earn a living in his chosen profession.

### B. Personal Rights versus Public Rights

The right to privacy as guaranteed by our Constitution is indeed a sacred one and must be guarded and respected. But in a free society, no person's right is absolute; it must give way, to a degree, to the rights of others. The right of the public to protect its business places, its job security, its hard-earned wages, and its health, safety and welfare must be weighed against the right of the job applicant or employee to conceal undetected criminal behavior, dishonesty, and material misstatements of fact.

Reasonable people agree that the businessman has both the right *and the obligation* to inquire about the experience, skills, physical well-being, character and honesty of job applicants. He also has not only the right, but the obligation to utilize the most effective methods available for obtaining and verifying this information. Reasonable people will also agree that the honest working man has the right to the job security and pay increases that accompany business profits, as well as security against exposure on the job to the criminally inclined. Crime on the streets is bad enough; why expose good men and women to crime on the job?

*Finally, everyone will agree that the consumer has the right to be protected against higher prices caused by the "theft tax" now estimated to cost the working public more than $3 billion each year in the form of increased costs which must be passed on to the consumer.*

The facts show that an examination conducted by a competent and ethical polygraphist is both a reasonable and an effective technique for protecting public rights. It should not be used for frivolous matters, and it should not be used for unethical probing into personal questions of sex, religion, or politics that have no bearing on the issue under examination. Violations of ethical considerations in the use of the polygraph should be prosecuted vigorously in the public interest. Legislation which would license and regulate the use of the polygraph, and would require such prosecution, would protect the rights of all the public. Labor has consistently opposed and obstructed efforts to protect the public rights and the personal rights *of all citizens* by this means. Instead of "personal rights," are these representatives of labor really not advocating *"the right to lie, cheat and steal without discovery?"*

Reasonable and honest people can supply their own answer without our help!

### C. Labor's Various Attitudes

Officially and to the public, labor says: "We do not condone dishonesty and will cooperate whenever proven dishonesty is shown to exist." Commendably, a few union locals around the country will even assist in rooting out thieves, but these are the exception rather than the rule. The key word in the unions' official position is the word "proven." It is true that most locals will not fight against a case of "proven"

dishonesty; the problem is to prove it in the face of union obstruction. In many companies utilizing a pre-employment polygraph program, the unions have attempted to coerce the employer into dropping the program. In other companies using the same screening program, but during the probationary period, shop stewards have been known to tell new employees: "Don't steal anything until after your lie-detector test." Upon learning of an internal investigation in progress, most business agents will call a meeting of the employees to "give them their rights." This usually involves dispensing such pieces of advice as:

—"If you are called in for questioning, demand that your shop steward be with you."
—"Don't admit anything or sign any statements."
—"Don't agree to return any stolen company property you may have at home."
—"Don't sign anything."
—"Don't take a lie-detector test. If you volunteer for a lie test, you will be expelled from the union."

To discourage employees from cooperating with management during investigations, many union by-laws or oaths include prohibitions against testifying or informing on fellow members.

Many union publications, notably those of the Teamsters, Retail Clerks International and the ILWU, regularly carry news articles or editorials against employer-conducted investigation.* A favorite target of such articles is the company security officer, who is depicted as an expert on the "frame-up" and given such choice names as "pig," "illegal gumshoe," "company gestapo," "lackey of the front office," "tool of the bosses." Such articles actually foster a climate for theft among employees. Nowhere in these publications do constructive articles appear—ones that attempt to encourage employee honesty.

### D. Reliability of the Instrument

In their publication "The Lie-Detector, Guilty until Proven Innocent,"** the unions concede (see, for instance, page 20) that the polygraph can measure and record such various physiological phenomena as pulse rate, blood pressure level, respiration rate etc. *As the unions correctly point out, the instrument itself does not detect lies, it is merely a device that measures and records certain physical phenomena.*

The name "Lie-detector," popular with the news media but seldom used by modern-day polygraphists, is a misnomer. Because of sensational publicity arising out of its use in criminal cases, the public has a false picture of an instrument that flashes lights, rings bells or gives some other dramatic reaction when a lie is told. This impression could not be farther from the truth. The work of the polygraphist might be likened to that of the radiologist reading an x-ray picture or the cardiologist interpreting the tracings of an EKG. If there is such a thing as a "lie-detector" or "truth-verifier," it must be the polygraphist himself.

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* See Appendix 4.

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# THE POLYGRAPH TECHNIQUE

## A. History and Development

The history of civilization is filled with attempts to detect lies and to verify the truth. Ancient methods of detection included the Ordeal of the Boiling Water, the Ordeal of the Red-Hot Stones, the Ordeal of the Sacred Ass and the Ordeal of the Red-Hot Iron. Often, methods which to modern eyes appear to be based on pure chance were employed. For instance, truth or the lack of it might be determined by the throw of a knife, or the pattern assumed by a handful of tossed pebbles. Though some ancient tests reflected a shrewd understanding of psychology or physiology, they were hardly reliable or scientific.

The earliest scientific approach was developed by the Italian criminologist Cesare Lombroso, who in 1895 conducted experiments in the detection of deception by attempting to record, with a device called "Lombroso's Glove," changes in the subject's blood pressure. Unfortunately, Lombroso's principal interest was in the area of criminal identification through physical characteristics; therefore, he never followed through on his experiments. Mosso, another Italian scientist, conducted further investigations of blood-volume changes during deception tests by using a crude device known as "Mosso's Cradle."

Around the beginning of World War I a third Italian, Vittorio Benussi, conducted experiments in lie detection with a device that measured and recorded the rate and depth of the subject's respiration. These experiments convinced Benussi that distinct changes in the respiratory pattern occur during attempts to deceive.

Italian scientists were not the only investigators who contributed to the theories that underlie present-day polygraph. A Russian, A.R. Luria, made significant contributions. Although he did not use an instrumental approach, many of his theories of the psychology of deception are embodied in polygraph procedure. Luria wrote in 1932:

> *The criminal is certainly far from being indifferent to his experiences; but, on the contrary, he puts himself in an active relation to this experience; its trauma, urging him into activity, conditions the dynamics of his behavior.*
>
> *The acute state of the trauma, complicated by the necessity of concealing it, bound in by the fear of expressing itself, creates in the criminal a state of exceedingly acute affective tension; this tension is very probably exaggerated because the subject is under the fear of disclosing his crime; the more serious the crime, the more marked the affect, and the greater the danger of disclosing it, the more this complex is suppressed, the greater the tension.*
>
> *The suppression of the complexes is here truly insufferable, and the subject experiencing them is certainly not in a condition to remain passive during the course of this affect; he must orient himself in such a way that he discharge the tension and save himself from an external play of excitation, which upsets all of his behaviour and keeps him incessantly under the fear of detection.*

The first American to become directly involved in the field of lie detection was Dr. William M. Marston, a psychologist. He was commissioned by the United States Government to devise a method for the interrogation of prisoners of war during World War I. Using a sphygmomanometer, the device physicians use to take the patient's blood pressure, Marston conducted experiments by taking intermittent readings of blood pressure during interrogation periods.

In 1921, inspired by the success of Marston's endeavors with prisoners of war, Chief August Vollmer of the Berkeley, California Police Department encouraged Dr. John A. Larson, a psychiatrist, to develop what became the forerunner of the modern-day polygraph. Although large and cumbersome, Larson's instrument made the first continuous, permanent record of the three phenomena; blood pressure, pulse, and respiration. This original polygraph was used for many years by the Berkeley Police Department and enabled Larson to identify correctly many hundreds of criminals, as well as thousands of innocent persons who had been suspected of crimes.

Because of the amazing record built up by Larson and his original polygraph, a young psychologist, Leonarde Keeler, became interested in the technique and developed his own apparatus. His instrument had the added feature of measuring changes in the skin's resistance to electricity, commonly known as "galvanic skin response." It is Keeler who is generally recognized as the true pioneer in the field of modern-day polygraphy. He not only refined the technique in its application to police work, but also pioneered its use in wartime and was responsible for its introduction into the field of business and industrial security. As we shall see, Keeler also aided the progress of polygraphy by teaching the technique to many others.

## B. Validity and Reliability

In April 1963 a subcommittee of the House Government Operations Committee, under the chairmanship of John E. Moss (D., Calif.), undertook an investigation of polygraph use by the Federal Government. Two years later a report was adopted. The subcommittee concluded: *"There is no 'lie-detector,' neither mechanical nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth or falsehood."* These conclusions were accepted despite the fact that two of the subcommittee's own witnesses, recruited from the scientific community, Drs. Martin Orne and Joseph Kubis, had testified that they had achieved accuracy as high as 80 to 90 per-cent in their research. The subcommittee also disregarded (or was unaware of) a mass of additional laboratory investigations of the polygraph.

The views of then-Representative Robert P. Griffin, a member of the subcommittee and now United States Senator from Michigan, are interesting:

> *Although the subcommittee hearings have pointed up some questions concerning the use of the polygraph, and have revealed deficiencies in the qualifications of some polygraph operators, the record does not justify the general tenor of the report which tends to discredit the polygraph and its use.*
>
> *The undersigned is aware, and credits qualified polygraph operators with an awareness, that a polygraph merely measures certain identifiable physical reactions such as respiration rate, blood pressure, pulse rate and galvanic skin response.*
>
> *The usefulness of the polygraph depends upon the skill and training of the operator. The hearings did reveal a need for improvement in the training and qualifications of polygraph operators in some of the government agencies.*
>
> *The polygraph should not be relied on exclusively. However, if it is used properly by a well-trained operator who recognizes its limitations, the polygraph can be a valuable aid.*
>
> *The undersigned does not join in the sweeping recommendation that the polygraph should be prohibited* "in all but the most serious national security and criminal cases." *However, he does agree with most of the other recommendations, and particularly with the finding that there is need for more research to document the validity and reliability of polygraph examinations.*

Also interesting is the subcommittee's recommendation, cited by Griffin, that the polygraph should be used "in the most serious national security and criminal cases"—an implicit recognition of the instrument's effectiveness, and a puzzling denial of a valuable method of proving truthfulness to the average citizen.

To give some idea of the effectiveness of the polygraph technique, a few statistics will be necessary. High validity was reported by Lykken in two experiments in 1959 (1) and 1960 (2), in which accuracies of 89 percent and 94 percent were obtained. Marston, employing a mock crime, reported 94 percent correct judgments of the actor-subjects (3). The vast majority of other investigations have yielded similar figures: Ellson, 73 percent (4); Baesen *et al.*, 86 percent (5); Thackray and Orne, 86 percent (6); Kubis, 97 percent (7) and Ruckmick, 83 percent (8). Only in relatively rare instances has low accuracy been reported in the literature—for instance, by Landis and Wiley, who obtained only 50 percent correct judgments in a study they did in 1926 (9).

While the accuracy obtained in experimental situations is most impressive, it is not as high as that reported by polygraphists for real-life situations. Virtually all polygraph examiners quote validity statistics of about 90 percent. This is understandable, given the differences between laboratory and field research. A number of theories exist that explain why the polygraph is effective, of which the fear-of-punishment theory is perhaps the best. It is hypothesized that the greater the consequences of being detected, the greater is the fear of detection. The increased fear in turn triggers greater physiological changes, thereby creating a greater likelihood of detection. It is, therefore, not so much the lying or guilt feelings that alter the subject's physiological responses, but rather the fear of punishment. A volunteer subject in a laboratory experiment, in contrast to a criminal suspect, has very little punishment to fear; without the drastic fear and stress, the physiological changes associated with lying are reduced, resulting in lowered accuracy levels. This has been substantiated by Gustafson and Orne (10), who found that the more motivation there was to deceive, the more readily the deception was detected. Larson reported that once a confession had been obtained, the physiological changes in response to critical questions were not so great as before (11).

A number of other factors (reported by Abrams (12)) further reduce the validity of the polygraph in the laboratory, and explain the higher percentages of correct judgments reported by the in-the-field polygraphists. Virtually all polygraph experts agree that a well-trained and experienced examiner will make correct judgments in 90 to 95 percent of those cases in which he makes a definite decision. There will always be a number of subjects regarding whom no definite conclusion can be reached, for certain medical or emotional reasons.

In studying the statistics yielded by actual polygraph examinations, the researcher is handicapped by his inability to rigidly control the investigation. Many polygraph judgments simply cannot be verified. When verification is available, however, the accuracy level is quite high. Orlansky, in reviewing the results of government pre-employment security screening, found that correct judgments were made in 95 to 97 percent of the cases, while definite failure occurred in only 0.1 percent (13). Studying the results obtained by two large government agencies which had administered more than 100,000 examinations Chatham reported a proved margin of error of less than 1 percent (uninterpretable records did not exceed 2 percent) (14). (In 1932, Larson tested ninety college girls to determine which of them had been stealing in their dormitory. He correctly classified the 89 innocents and the one guilty girl, for a level of accuracy of 100 percent) (15). Inbau and Reid examined 4,280 criminal suspects and obtained accurate findings in 95 percent, errors in 1 percent and indefinite ratings in 4 percent of the cases (16). In observing law enforcement agencies, Levitt indicated that correct interpretations were made in 75 to 100 percent of the instances (17). Wolfle, in a report prepared for the Emergency Committee on Psychology of the National Research Council, stated that 80 percent of polygraph evaluations were accurate; 3 percent in error; and 17 percent indefinite (18). Studying the validity of the polygraph examinations administered over three years at the Chicago Scientific Crime Detection Laboratory, Trovillo found errors in only 2 percent of the cases (19).

From this partial list of research findings, it is evident that the polygraph can be a highly valid technique. But validity—that is, the degree to which the test measures what it purports to—is not in itself sufficient. There must be high *reliability*—the extent to which a test produces consistent or reproducible results—as well. For the polygraph to be reliable, two or more examiners should be able to obtain comparable results on the same case, or a number of examinations of the same individual should produce identical results.

While there has been less investigation of the reliability of the polygraph than of its validity, the results are nevertheless impressive. Kubis, comparing the judgments among different polygraph raters, found consistency between 72 and 87 percent (6). An average of 85 percent reliability among judges of polygraph records was reported by Bitterman and Marcuse (20). Abrams and Weinstein, in investigating the effectiveness of this technique with a broad range of retardates, found low validity but high reliability among four polygraphists (21). In another study of reliability, Van Buskirk and Marcuse found 94 percent agreement on polygraph charts between two judges (22). Kubis obtained an average of 79 percent agreement among raters some years ago (7), and the same degree of reliability was reported by Barland and Raskin in a more recent investigation (23). An excellent experiment carried out by Horvath and Reid, employing verified polygraph charts from actual criminal cases, demonstrated high reliability (24). They found inexperienced examiners were accurate in an average of 79 percent of the cases, while experienced polygraphists were successful in 91.4 percent of the forty cases studied. This degree of agreement among the examiners was obtained without benefit of observing the examinations or having any background knowledge of the subjects.

Many students of the polygraph have urged that polygraph evidence be made admissible in the courts. According to Merker, ". . . as far back as 1952 there was general scientific recognition that the polygraph possesses efficiency and that reasonable certainty can follow from polygraph tests. . . . The time has come for the courts to admit polygraph tests into evidence on behalf of a defendant in a criminal case" (25). Hardman adds: ". . . a high percentage of the witnesses on the stand not only lie but escape detection by the traditional methods of examination . . . . No reason is seen why courts generally should not bestow approval. For within [certain] limits . . . the possibility of error inherent in the present-day use of lie detectors seems outweighed by the opposing possibility of closing the door to truth" (26).

Opponents of the polygraph are quick to point out that no polygraphist or polygraph agency is able to "prove" claims of 90 to 95 percent accuracy. The reader must recognize the difficulty of obtaining meaningful statistics in real-life situations. The principal problem is getting verification of the polygraph examination administered; this can only be done when a confession is obtained. In a case where there are ten suspects and nine of them are cleared by the polygraph and the tenth confesses, then an accuracy of 100 percent can be claimed for all ten. On the other hand, if only nine are tested and the tenth is not examined and cannot be proved guilty, then there is no way to verify the findings on the first nine; consequently they cannot be included in any statistical analysis. Moreover, if the tenth man were available for testing but made no admission of guilt, then all ten would have to be discarded for statistical purposes. *In actual practice, far more innocent persons than guilty persons are tested by the polygraphist, and in many cases the guilty person is never discovered. Thus there is no way to verify the findings on the innocent persons.*

The polygraph profession is aware that much of scientific data on the instrument has been obtained from empirical observation. But this is hardly a good reason to disregard the findings. While rigidly controlled experimentation is difficult to carry out in real-life situations, there is movement in that direction. Validity and reliability studies based not in the laboratory but in the field are in progress at the present time.

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# THE POLYGRAPHIST AND HIS TEST

## A. The Profession

As we have seen, the polygraph technique had its beginnings in law enforcement in the Berkeley Police Department back in 1921. Since then, its use as an aid in official investigations has spread throughout the country, not only to large police departments but to medium-sized and small ones as well. Police officials agree that tremendous savings in manpower and money have resulted from the use of the polygraph technique to pinpoint criminal suspects and to clear innocent persons. The biggest beneficiary of the polygraph has probably been the average citizen. Most police departments, placing great faith in the technique, will not press forward with the prosecution of a suspect who, though a prime candidate because of circumstantial evidence, has been cleared by the polygraph. *It cannot be emphasized too strongly that thousands and thousands of Americans have been released from police custody and spared public prosecution because their innocence has been verified by the polygraph. Moreover, not a single case has been found in which an innocent person was convicted because of polygraph error.*

The Federal Government entered the polygraph field in the early 1940s when Frank A. Seckler, a Secret Service agent, was dispatched to Chicago to learn the technique from Leonarde Keeler. Seckler was the forerunner of more than a thousand federal employees who were to follow. Initially the training of government polygraphists consisted of two or three months' training under the personal direction of Keeler himself. Later the training was formalized when Keeler established what is still known as the Keeler Polygraph Institute in Chicago. In the 1950s a military polygraph school was set up at Fort Gordon; today it trains the vast majority of military and government examiners, and is rated one of the top polygraph institutions in the country by the American Polygraph Association.

The area of greatest growth in the polygraph profession during the 1960s was in the field of private and corporate testing. Most polygraphists in this category are employed either in one-man laboratories or in larger firms that may employ upwards of 35 staff examiners. A few large corporations have found it economical to employ their own in-house polygraph staffs, but such company examiners probably total no more than a hundred.

Some three thousand persons have been trained as polygraphists over the years; it is believed that there are about 1,500 in active practice today. Approximately one thousand are members of the American Polygraph Association. The majority of the rest belong to state associations, some of which are affiliated with the APA. The Association estimated that these 1,500 polygraphists will administer between 250,000 and 350,000 tests during 1975 (these figures include tests of all kinds, including those by law-enforcement agencies). Better than 60 percent of the persons tested will be found truthful and cleared of false accusations or unjust suspicions. *This means that more than 150,000 men and women have a very personal stake in preserving the polygraph technique this year alone, so that their reputations, jobs and the public safety and welfare, can be protected against those who favor the personal "rights" of the criminally inclined.*

Industries served by polygraphists are for the most part in the distribution, retailing and service categories. Among them are armored car services, airlines, retail and wholesale drug companies and drug manufacturers, department and other retail stores, the trucking industry, private guard services, restaurant chains, hotels, banks and brokerage houses, automobile rental firms, wholesale and retail liquor dealers, vending machine companies and finance companies—all businesses where large amounts of cash or valuable merchandise may present irresistible temptations. The majority of such companies would use pre-employment polygraph screening; some would use the polygraph technique only in investigating specific instances of theft; a few would use it in periodic screening of currently employed persons. Some firms use two of the above approaches; some, all three.

## B. The Test

In private testing for commercial firms, examinations are given either "on location" or in the polygraphist's own private polygraph suite. On-site examinations are almost always administered in a private office or conference room. The setting should be private and generally free from all distracting influences. The normal background noises to which the employee may be accustomed, however, are not considered an unfavorable influence on the test.

When the examinations are administered at the polygraphist's own laboratory, however, extra measures are taken to insure that no distractions are present because here the examinee is in an unfamiliar environment and can more easily be distracted than on his home ground. Therefore, the person to be examined will usually encounter a scene something like this:

The polygraphist's waiting room is usually similar to the waiting room of any professional person such as a doctor, dentist, pyschologist, etc. The decor of the waiting room is pleasant in nature and may or may not include some plant life, an aquarium, some background music, and reading material. The reading

material in some cases may be a mixture of current periodicals along with some reading pieces on the polygraph test itself.

Normally, the person will be greeted by a receptionist upon entering the suite of offices. This receptionist may or may not be in the immediate presence of the waiting room, depending upon the physical layout of the suite of offices. Contrary to charges made by polygraph antagonists, the duties of the secretary or receptionist do not include compiling data on the examinees who are waiting for the test. The end result of the examination procedure will be based on the results of the tests alone and the dialogue between the examiner and the examinee, not upon any impressions of a nonprofessional receptionist.

The examination room itself is more austere in nature than the waiting room. It is almost always devoid of pictures, paintings or undraped windows. It is usually sound-proof in nature and with adequate carpeting on the floor. Normally, the furniture in such a room consists of the examination desk in which the polygraph instrument is recessed, the polygraphist's chair, and the examination chair, which may be of special design. The examination chair may range from an upright chair with what appears to be oversized arm rests, to a modified reclining chair, depending upon the individual preference of the polygraphist. Occasionally, the examination room may also contain a school-room type chair with writing arm which is used by the polygraphist in conducting his face-to-face pre-test interview.

In some cases, the examination room will also contain a one-way mirror opening onto an adjoining observation room together with a sound system connected to the observation room. The purpose of the mirror and the sound is for the training of polygraph interns and is no different in purpose from similar setups found in psychological testing laboratories and medical schools. Where such an arrangement is present, the examinee is so advised in the written release which he is requested to sign. In the event that the examinee should find the mirror and the sound objectionable, the polygraphist can render them inoperative.

Upon entering the examination room, the examinee is usually introduced to and greeted by the polygraphist. Normally, he will be asked to sit in the examination chair and, depending upon the preference of the examiner, the examinee may be at that time immediately connected to the attachments of the instrument. These attachments, if connected immediately, are not activated during the pre-test interview. Other polygraphists prefer to conduct the pretest interview prior to placing the attachments on the subject.

The first attachment that the examinee should expect to encounter is the blood pressure cuff, which is identical to that used by the physician, and which is attached to either the upper arm, the forearm, or in some cases the wrist. During the actual examination, this cuff is inflated to a median pressure between the subject's systolic and diastolic blood pressure levels. Some persons report a mild amount of discomfort during the period of inflation, none of which is actually painful.

The second attachment consists of one or two rubber tubes which are placed around the trunk of the body. If only one tube is used, it is placed over the area of greatest movement during the respiration cycle. In some cases, two rubber tubes are used simultaneously to cover the upper and lower chest areas. The tubing is not uncomfortable in any way and simply measures and records, through the instrument, the rate and pattern of respiration.

The third attachment is usually placed on either one or two fingers, or through a dual connection with the palm of the hand. This attachment measures the changes in electrical resistance of the skin. There is absolutely no feeling of discomfort with this attachment.

### C. Techniques

It is not the purpose of this manuscript to serve as a definitive technical paper on the various types of tests used by Polygraphists. It should be sufficient to enumerate the different types of tests the average layman is apt to encounter. For a technical review, the reader is referred to the literature of the field and to brochures published by the various polygraph training schools.

Major types of techniques are:

1. The Reid Control-Question Technique
2. The Backster/Zone of Comparison Technique
3. The Arther Technique
4. The Keeler Technique
5. The Integrated Control-Question Technique
6. The Hanscom Technique

The above techniques are generally used in what is known as specific tests—that is, where a loss has occurred or a crime has been committed. They differ in relatively minor procedural areas but are basically alike in attention to the psycho-physiological essentials. It is important for the reader to realize that most of the above techniques contain built-in safeguards for the person taking the test. One example of such a safeguard would be the use of a "guilt complex" question which is designed to identify the very rare person who will respond as if guilty to any type of pertinent question.

*The most important safeguard, however, and one common to most polygraph techniques, is the use of one or more control questions throughout the test.* A control question is one designed to create the probability that the subject will lie, or at least be unsure of complete truthfulness of his answer. It should be

a question which is of no great significance and not particularly germane to the issue at hand. The examiner can utilize the response to a control question for comparison purposes to responses or lack of responses to relevant questions on the test. It is in this way that deception is detected. Even more important, truthfulness to relevant questions can be verified. Obviously, the use of such a question precludes an individual who is physiologically or psychologically incapable of responding from successfully passing the test procedure. In a case of this type, the verdict of the polygraphist would be "inconclusive." Such a result simply means that it is the same as if no test had been administered.

One of the oldest type of tests, but still probably the most reliable when administered under proper circumstances, is the so-called Peak of Tension test (P.O.T.). This is more commonly found in police testing and is used in conjunction with and as a follow-up to the earlier mentioned specific types of testing. The most commonly used P.O.T. test is based on a knowledge of the crime which can only be known by the perpetrator. As long as there is no widespread publicity about a crime, where intimate details as to the method of commission are known, it will be possible to devise a valid P.O.T. test. An example of the P.O.T. test would be where the questions dealt with the caliber of the gun that was used in the commission of a homicide. Supposedly, the caliber of the gun would be known only to the perpetrator, and therefore suitable questions could be framed using various gun calibers. The P.O.T. test is infrequently used in private testing as the types of situations handled by the private polygraphist, as a rule, do not lend themselves to this type of test.

**D. The Control Test**

In order to aid in getting the examinee accustomed to the instrument, and also to develop some insight as to the reaction pattern of the person being tested, many polygraphists administer a control test prior to a specific examination or even prior to a pre-employment test. The most typical control test likely to be encountered is the situation where the examinee has been requested to select a playing card or possibly a flinch card from five or seven presented to him. Normally, the cards are placed face down and only the subject knows which card was selected. The subject is then requested to answer "no" to all questions and an examination is then started. The examiner will run through each of the cards, asking the subject "Did you choose card number _____?" Obviously, if all of the answers are "no," one answer is a lie. Each subject has his own way of responding to deception while attached to the polygraph instrument, and in this way the polygraphist can get some idea beforehand in what manner the subject may respond if he resorts to deception. *The control test itself is never compared to a subsequent examination for the purpose of diagnosing deception. This can only be done when the questions from the control test are later utilized and interspersed with other relevant questions.*

The bulk of the work of the private polygraphist is divided between the periodic test and the most widely used, the pre-employment test. In the periodic test, normally administered to employees, questions are limited to a narrow range of issues pertaining to the handling of merchandise or money of the employer and all questions are usually prefaced with "Since your last polygraph test, have you _____?" These tests are usually very narrow in scope as there is no need to verify broader areas already covered by the pre-employment test.

**E. The Pre-Employment Test**

The pre-employment test accounts for the vast majority of all tests administered in the country today. As such, it has probably become the most controversial of all the tests given, and is probably the chief target of organized labor's thrust against the polygraph profession.

Many people fail to realize that a valid polygraph examination cannot be administered without prior discussion between the examiner and the examinee of the issues to be covered. Of the typical hour-long pre-employment test, 40 to 45 minutes is spent in what is called the pre-test interview. It is during this interview that the examinee's background, medical history and present physical condition are reviewed, in relation to the questions to be asked. The examinee is always given an opportunity to explain any situations in his past which might require modification of the wording of the questions. For instance, a standard pre-employment type question might be "have you ever been convicted of a crime?" The subject might say that at the age of nineteen he had been arrested for petty shoplifting and pleaded guilty. If this be the case, then the original question could not possibly be used and would require a rewording. *The pre-test interview is absolutely essential, and a review of the questions to be utilized in the examination must be made, givng the examinee the opportunity to make explanations so that proper rewording can be accomplished.*

The actual polygraph examination consists of two or more tests. Each would typically consist of ten or twelve questions (in the case of wrist-type blood pressure cuff, as many as twenty questions might be asked.) Each test consumes about three to four minutes. Irrelevant questions are normally interspersed with relevant questions and also at one or two strategic points in the examination the control questions are asked. Irrelevant questions are intended to be completely neutral to the examinee—questions such as "is this the month of February?", "is

your first name John?", "is your last name Smith?", "are you wearing a tie?", "are you in New York City at the present time?", etc.

Relevant areas of inquiry in a pre-employment examination are selected by the client and usually fall within the following scope: deliberate falsification of application; deliberate falsification of medical history; illicit use of dangerous drugs or narcotics; thefts of cash from former employers; theft of merchandise from former employers; being discharged, or forced to resign from a previous job; significant trouble while in the military; serious unsolved criminal offenses; criminal complaints and convictions; and in the case of a recently hired employee working on a probationary status, thefts from the present employer since employment.

Because polygraph questions must be answered with a simple "yes" or "no", it is quite common that a person undergoing an examination will think of some situation which may or may not be directly relevant to the issue, but which is triggered in the thought process by a particular question. Such thought processes will usually reflect themselves in the polygraph tracing and can easily be discussed with the examiner at the conclusion of each run. Normally, at the end of the first run the polygraphist will give the examinee an opportunity to volunteer any information that may have come to mind during the actual run. If nothing is volunteered at that point, the polygraphist will proceed to administer the second run, after which the polygraphist will discuss in detail the polygram or chart with the subject and pointedly inquire as to anything that may have come into the subject's mind in relation to any particular question which produced a response. Any explanation on the part of the subject will simply require further rephrasing or rewording of the question, something along the lines of "other than what you have told me, have you _____?"

Should a subject resort to outright deception, the examiner will discuss it in a frank and candid manner and afford the subject the opportunity to explain the true facts in the area at issue. If an explanation is offered, then the examiner will run one further chart, commonly called a "clearing chart."

### F. Propriety of Questions

Ethical standards in the polygraph field require the examiner to be very strict in assuring the propriety of questions used. Most examiners will resist the rare attempt by an employer to check areas which are not relevant to the job sought by the applicant. Obviously, each examination is different because of the age and background of the subject, and the nature of the job for which he is applying.

A rule-of-thumb approach to the propriety of questions would follow approximately these lines:

1. A 35-year-old applicant for a supermarket manager's job would in all probability not be questioned about boyhood thefts or even thefts from employers at an early age, especially if the applicant has held positions which afforded him access to money and merchandise and where it can be determined that he has refrained from such thefts during the past ten years.
2. On the other hand, an 18-year-old applicant for a position involving the handling of merchandise or cash, could properly be questioned as to thefts committed within the past several years.
3. A 17-year-old girl applying for a position as a drugstore clerk would probably not be questioned regarding chronic and expensive use of alcohol but she might very well be asked about illicit drug use.
4. A 30-year old applicant for a job as an airline pilot would not be questioned regarding his being fired from prior jobs as a teenager but could very well be asked a question concerning chronic and excessive use of alcohol.

*In summary then, it is evident that in order to be of real service to his client and the examinee, the polygraphist must use only questions which have some definite bearing on the applicant's fitness for the job. Unless a person is applying for a job so sensitive in nature as to raise the question of possible blackmail, there is no reason for the polygraphist to delve into such highly personal areas as sexual relations or sexual deviation. In the typical pre-employment situation involving commercial business firms, questions of this type are never asked during either the pre-test interview or the test itself.*

# THE POLYGRAPH, THE EMPLOYEE AND THE UNION

## A. Employees' Rights and Safeguards

In the anti-polygraph publication of the AFL-CIO Maritime Trades Department, the unions have dredged up a handful of cases in which the polygraph examination is portrayed as an evil thing that seriously injures the employee. Although these are isolated cases, the implication is made that they are typical of everyday occurrences. *A careful reading of the cases selected, however, will show that if any abuse or misuse of the technique took place, it was generally not the fault of the profession, but simply a misjudgment on the part of the employer in applying the results of testing.* The Dos and Don'ts of the polygraphist's role in the employer-employee relationship have become well-established in the past ten years, and it is only the occasional company that strays from these guidelines. Organized labor's examples of abuse are few and far between, and are in many cases taken out of the context of their times and represented as current evils.

For instance, the Maritime Trades Department devotes six pages to the Zahn Drug Company case as a prime example of abuse of the polygraph. But the propaganda piece neglects to mention that the testing was done prior to 1963; that instrumentation other than the polygraph was used; that because of state licensing and control of polygraph testing, such a situation has not occurred in the State of Illinois since 1963. Moreover, the man identified as the "examiner" is not and has never been a polygraphist, and has not practiced since Illinois undertook to regulate the polygraph profession.

*Contrary to the picture painted by labor, polygraphists are by no means indifferent to the rights of the examinees. Most polygraphists have themselves been on the other side of the instrument; consequently most believe in certain employee rights and try to influence their clients to use test results in the proper manner.* The employee rights generally accepted by the profession are:

—*The right to request and to receive a polygraph test.* Many thousands of employees over the years have found themselves under suspicion, and have requested tests on their own initiative. In Massachusetts, however, this right has been denied by the state legislature under pressure from organized labor: The anti-polygraph law in that state specifies that no employer shall "permit" a test to be given to an employee.

—*The right to refuse to take an examination without fear of discharge.* This right should prevail unless, as a condition of employment, the subject has specifically agreed to undergo testing at any future time.

—*The right to limit dissemination of test results.*

—*The right, written into law in some states such as Illinois and Virginia, to a copy of the polygraphist's report.*

—*The right to know beforehand the area of inquiry and the exact proposed questions.* These matters are always covered in the pre-test interview, and are essential to the accuracy of the examination.

If misuse, abuse or malpractice occurs, the employee has a number of remedies available. These include:

—*State Labor Deartment.* In unemployment compensation hearings, most departments have taken the position that refusal to submit to a polygraph test is not to be construed as misconduct. Accordingly, most employers are reluctant to discharge an employee because of refusal to take the test, or because of its results.

—*Arbitration.* Labor arbitrators have been almost unanimous in excluding polygraph test results from evidence and in refusing to uphold the discharges of grievants for refusal to take the tests.

—*National Labor Relations Board.* Organized labor has long charged that polygraph testing is used as a weapon by employers against unions in their organizing campaigns. Of the several hundred thousand tests given each year, labor cannot produce more than a half-dozen cases in which the NLRB has found that the polygraph was used as an instrument of unfair labor practices. Indeed, the American Polygraph Association forbids its members to conduct examinations when there is reason to believe the examinations are part of an effort to hamper the lawful organizing activities of a union.

—*Civil Lawsuits.* Probably the most useful defensive tool for the employee is his right to file and prosecute a civil suit for damages. The unions, recognizing this possibility, cite the case of a young Chicago engineer who was awarded damages by a jury after having been dismissed, partly as a result of a polygraph examination. What the Maritime Trades Department conveniently forgets is that the verdict was made possible, in large part, by the results of another polygraph test and the testimony of the polygraphist who administered it.

—*State Licensing Boards.* In states which have enacted licensing legislation, any citizen may lodge a complaint with the licensing authority.

—*Grievance Committees.* Any employee can make a complaint to a state polygraph association or to the American Polygraph Association. The APA and the state groups maintain grievance committees, and welcome legitimate complaints.

Organized labor maintains that the existing machinery for the protection of the employee is inadequate, and that the polygraph must therefore be outlawed. If the machinery falls short of doing the job, then the solution is licensing, not wholesale abolition. Isolated cases of abuse and malpractice do exist—in the polygraph profession, just as in the medical and legal professions. Oddly, no one has yet called for the abolition of doctors and lawyers.

## B. Unions Use the Polygraph

The national leadership of the AFL-CIO together with the Teamsters, Retail Clerks and Longshoremen have, as we have seen, led the attack on the polygraph as an aid to corporate and industrial security. It is interesting that notwithstanding directives handed down from the higher-ups, other unions and even locals of the above-mentioned unions have used the polygraph for a number of years, in resolving labor-management disputes and in investigating thefts within union headquarters. This reality has been embarrassing to national union leaders. When it was called to their attention during legislative campaigns in the 1960s, the leaders denied that their locals had ever used the dread technique. Polygraphists were able to document numerous occurrences, and labor's answer is now: "We cannot be responsible for local unions which agree to or make use of the lie-detector."

A check of only *five* polygraph laboratories in the Midwest reveals that since 1960, local unions have had recourse to the polygraph technique no less than 32 times! Following are the unions (local numbers deleted to save embarrassment) that availed themselves of the polygraph technique.

| *Case No.* | *Date* | *Location* | *Union* |
|---|---|---|---|
| 6011 | 2-60 | Chicago | Teamsters |
| 6049 | 3-60 | Louisville | Transit Co. Workers Union |
| 6181 | 5-60 | Chicago | Retail Liquor Salesmen's Union |
| 6277 | 6-60 | Chicago | Teamsters |
| 7311 | 6-61 | Chicago | Joint Board I.U.D.T.W. |
| 7712 | 10-61 | Chicago | United Steel Workers |
| 8010 | 12-61 | Cincinnati | Atomic Trades & Labor Council |
| 8236 | 2-62 | Chicago | Painters Local Union |
| 9979 | 6-63 | Chicago | United Optical Workers Union |
| 11084 | 6-64 | Chicago | District ____, Machinist Union |
| 13264 | 9-65 | Kenosha | U.A.W. Local ____, (Union Official) |
| 13415 | 11-65 | Chicago | Grain Miller Local ____, U.M.W. |
| 13477 | 12-65 | Chicago | D.U.O.C. Local ____. |
| 14499 | 2-67 | Muscatine | Teamsters |
| 16261 | 10-68 | Hammond | Local 2--; AFL-CIO |
| 16266 | 10-68 | Illinois | Teamsters' Local 7--. |
| 16272 | 10-68 | Muscatine | Teamsters' Local 3--. |
| 17141 | 7-69 | Chicago | I.B.E.W., Local 10-- |
| 18736 | 1-71 | Illinois | I.B.E.W., Local 14--. |
| 18758 | 1-72 | Illinois | United Retail |
| 19249 | 1971 | Chicago | Teamsters' Local ____. |
| H. Inc. | 2-71 | Oklahoma | C.W.A. Local 60--. |
| H. Inc. | 7-71 | Oklahoma | C.W.A. Local 60--. |
| K.C. | 2-71 | Chicago | Teamsters' Local 74--. |
| Facts, Inc. | 12-66 | Houston | Teamsters' Local 9--. |
| P.D. | 3-71 | Wisconsin | U.A.W. Local ____. |
| M.B. | 12-71 | Louisville | Teamsters' local ____. |
| M.B. | 10-69 | Louisville | Amal. Meat Cutters & Butcher Workers |
| M.B. | 2-69 | Louisville | Teamsters Local ____. |
| M.B. | 3-69 | Louisville | United Steel Workers Local |
| M.B. | 5-70 | Louisville | United Steel Workers Local |
| M.B. | 11-71 | Louisville | International Assoc. of Machinists |

Full details of these cases, including Xerox copies of union checks, are on file with the APA. The reports on two cases are reproduced here:

### 14499: Bandag Rubber Company, Muscatine, Iowa

"This is a case in which the Teamsters Union at first rejected Polygraph testing, but after being introduced to it and understanding what it really was, demanded Polygraph service.

"The case involved employees of the Bandag Rubber Company of Musatine, Iowa. This company retreads automobile tires. The Polygraph testing, which took place at the company, involved an employee or employees abuse of machinery.

"The first case took place in 1967. A person or

persons had placed two mill knife blades into the banbury area mill causing it to 'blow up' when it was started between 3 PM and 3:30 PM on January 10, 1967. The examiner was informed that about 3 AM on January 10th, the motor was shut down so that machinery and plant could be cleaned to 'run black,' and it was not started again until about 3 PM on the same date. It was during this period that the mill knife blades were placed in the motor. Any employee or employees on the three shifts had access to the motor and knives. One of the knives recovered from the motor during repairs had been sharpened by Gilbert Skidmore, and he apparently was the last person to have handled this knife.

"The company requested that employees take Polygraph examinations to uncover the person or persons responsible for causing the damage to the mill loader. These employees were all members of the Teamsters Union and universally rejected Polygraph examination. However, the company management decided that since this instance of machinery abuse could have seriously injured or killed someone, they would call in a Polygraph examiner to consult with the union members and management as to the Polygraph testing to be done.

"The examiner arrived on the company premises and conferred with the management and union stewards. At this conference, the union steward agreed that it was essential to detect the person responsible for the offense, if possible; but, he also felt that the Polygraph testing was an infringement of employees' rights. However, after this conference, the union steward agreed that all employees who wanted to take a Polygraph test would be allowed to do so, although no one would be required to take such a test. The steward demanded he be allowed to be present outside the testing room while the testing took place in order to advise any employee who wanted to take the test. The examiner and management agreed to the steward's demands and the testing commenced.

"Ten employees were tested and all of them were reported by the examiner as telling the truth in their denial of involvement in the offense. The eleventh employee who was tested was reported by the examiner as not truthful in his denial of the offense, and the examiner reported this to the union steward and the management. At that time, all parties concerned agreed the employee should be told he did not pass his test and be allowed to offer an explanation.

"The examiner then confronted the subject, and the subject admitted to the examiner that he had put two mill knife blades in the banbury area mill motor on January 10, 1967. He explained that about 3 PM on the date in question he took the two mill knives off the top of the motor and threw them into it, because he did not want to do his assigned job that day. He stated further that because he did not get along with his foreman he felt he had ample justification for what he had done. He agreed to repay the company for all necessary repairs.

"At the conclusion of this subject's confession, the union steward and management thanked the examiner and the examiner returned to Chicago."

**16272**

"Approximately one year later in 1968, the examiner received another call from the management of the Bandag Rubber Company. He was told they had recently discovered similar damage to another motor in the same area as that in 1967. Although the damage on this occasion was less than the 1967 damage, employees demanded they be allowed to take Polygraph examination in order to vindicate themselves of any blame in the damage, and to find the person or persons responsible. The employees were in fear of possible death or serious injury by these flying pieces of steel which were thrown into the motor.

"The examiner went to the Bandag Rubber Company and tested four employees. The fourth employee who was tested was reported 'not truthful' regarding his involvement in the machinery damage. Again, the management and union requested that the examiner confront the employee with the findings. When the subject was advised of his examination results, he admitted he was responsible for the damage in question, but he had done it by accident. He was trying to fix the machinery because it was always breaking down and the damage was the result of his trying to properly repair the machinery."

In summary then, it is obvious that regardless of the official AFL-CIO and Teamsters attitudes, local unions have found the polygraph technique not only useful but indispensable in some instances. Obviously, the union's use of the polygraph continues!

### C. What about the Workers?

An especially eloquent statement of the workers' (as distinct from the unions') point of view was elicited when one polygraph firm asked examinees if they thought polygraph tests should be outlawed (the results, by the way: 72 percent said "no"; 17 percent, "yes"; 11 percent had "mixed feelings"). Said an examinee: "Unless it could be proven to me that these tests are no good I would say leave them be. I believe the companies are trying to weed out habitual thieves. A company I worked for before lost $100,000 in a year because the union (Teamsters) said 'no' to polygraph exams."

It is not difficult to guess the feelings about the polygraph technique held by many other American working people. For instance . . .

—The employees of Zahn Drugs, a large drug wholesaler in the Chicago area, where a union contract was negotiated in which it is stated that "both sides recognize the dangers of drugs to society," and agree

to polygraph examinations within certain limits. . . .

—The union truck drivers and warehousemen in a Buffalo, New York warehouse where $67,000 in inventory was lost over an eight-month period, all of whom were cleared by polygraph examination that also resulted in full confessions from the foreman and two accomplices. . . .

—The Massachusetts worker who, because of a past suspicion of dishonesty, was strongly suspected of stealing cash from his employer's office, but was completely cleared by a polygraph examination. . . .

—The veteran foreman at a Phoenix, Arizona auto parts company who was accused by a young employee of selling company merchandise and pocketing the money—and was cleared by a polygraph test, and a subsequent confession by the young employee during a pre-test interview. . . .

—The six office employees whose boss asked them to take polygraph tests to determine who was stealing large amounts of cash. At first, all refused; then one spoke up and said: "Why should we be patsies and have suspicion on our records for the rest of our lives?" The six took the test, and the most innocent-seeming employee confessed. . . .

When all is said and done, the polygraph is neither devil nor angel. It is simply another of man's tools; as such, it can be used wisely or misused. Scare propaganda to the contrary, it has in the overwhelming majority of cases been used wisely and well—more often, as we have shown, to clear the innocent than to detect the guilty. The American Polygraph Association, and all reputable polygraphists, support adequate safeguards of individual privacy, and reasonable state licensing and regulation to keep out the occasional bad apple that would otherwise spoil the barrel. And surely all intelligent people endorse the right of the innocent to prove their innocence, the right of the employer to protect his business—*and his honest employees*—from the occasional dishonest worker, and the right of the consumer to be spared the extra expense that the businessman must pass along when employee dishonesty becomes a problem.

Why, then, the irrational, not to say hysterical opposition to the polygraph? Why the scare propaganda, the obstructionism and the high-pressure lobbying in the halls of Congress? No one suggests that the anti-polygraph forces *desire* employee theft, pilferage, and the consequent higher prices and general demoralization. Rather, the antis bring to mind a fellow named Ned Ludd. In the early nineteenth century the English textile industry, seized by the Industrial Revolution, began switching from hand-spinning and hand-weaving to machines each of which could do the work of several men. Ned, a young handworker thought to have been demented, saw in this development the end of his job and everyone else's— so he took to smashing the machinery. Others emulated him, and for a time it looked like touch and go for the textile industry. Soon, however, the Luddites subsided and the industry grew so that there were jobs for all; usually at higher wages than in the good old days of hand-work.

The anti-polygraph forces show the same irrational fear of the new and unfamiliar; the same willingness to believe only the worst; the same readiness to smash and destroy. They are bound to fail, just as the Luddites before them—if the polygraph profession gets a fair shake in the media and from our elected representatives. Truth, after all, has long proven hard to destroy.

# APPENDIX 1

**State Regualtion and the American Polygraph Association**

## A. The American Polygraph Association

The American Polygraph Association was formed in August of 1966 by a merger of three predecessor organizations—The Academy for Scientific Interrogation, The American Academy of Polygraph Examiners, and The National Board of Polygraph Examiners.

The APA came into being because of a desire of the profession to raise standards of education, training and instrumentation, and to advance the field through licensing and regulation. In order that the reader may have a better understanding of the APA and how it relates to the profession, sections of its Constitution, Ethics and Principles of Practice are reproduced herewith:

*1. Excerpts from Constitution:*

*Article II: Objectives of the APA*

The objectives of the American Polygraph Association shall be to advance the use of the polygraph as a profession as a means of promoting social welfare by the encouragement of the use of the polygraph in its broadest and most liberal manner; and promotion of research into instrumentation and techniques; by the improvement of the qualifications of polygraph examiners through high standards of professional ethics, conduct, education and achievement; to unify polygraph examiners throughout the world and rekindle their interest in the use of the polygraph and in the APA, by the increase and diffusion of polygraph technology through meetings, professional contacts, reports, papers, discussions and publications; thereby to advance scientific, professional and public acceptance of the contributions of polygraph techniques to the promotion of the public welfare and to keep the APA informed of member sentiment and urge the membership's active participation in civic and community affairs where the polygraph is concerned; and to publicize the name and prestige of the APA.

*Article III: Membership and Voting Rights*

There are five classes of membership: Member, Intern, Affiliate, Honorary, and Life.

*Member:*
To qualify for full privileges and standing as a member, the applicant must meet the following requirements.

a. The applicant must have completed a course of formal instruction in polygraph instrumentation and techniques totaling at least 200 hours of classroom instruction at a school (civilian, military or governmental) that is fully recognized and accredited by the APA.
b. The applicant must have administered at least 200 polygraph examinations within a three-year period following completion of formal instruction.
c. The applicant must have demonstrated proficiency in the conduct of polygraph examinations to the satisfaction of the Membership Committee.
d. The applicant must possess, as a minimum, a degree at the baccalaureate level from a college or university accredited by the Regional Accreditation Board.
e. The applicant shall have satisfied his financial obligations to the APA, due and payable on or after January first, but no later than the date of the annual seminar of the APA.

*Intern:*
Applicants for Intern membership shall be admitted upon the approval of the Membership Committee during the period of their formal training or internship as polygraph examiners, provided:
a. The applicant meets the educational requirement as cited in Article III, A-1-d.
b. The Intern membership shall not be extended beyond three years from the date of acceptance to Intern membership, except where extenuating circumstances are approved by the Membership Committee.
c. The Intern applicant has satisfied his annual financial obligations to the APA before the date of the annual APA seminar.
d. Intern members in good standing shall be eligible to attend and participate in all activities of the APA open to the membership, but shall not represent themselves as being anything but Intern members of the APA.
e. Intern members shall have no voting rights in matters before the APA, nor are Intern members eligible for election to office in the APA.

*Affiliate:*
Persons who possess a sincere interest in the polygraph field shall be eligible for membership as Affiliate members of the APA. Applicants for Affiliate membership may include representatives of polygraph instrument manufacturers, personnel in-

volved in the research of polygraph instrumentation and techniques, and any other persons who are approved by the Membership Committee as having a valid or professional interest in the polygraph field.

a. Affiliate members in good standing must satisfy their financial obligations to the APA before the date of the annual APA seminar.
b. Affiliate members in good standing shall be eligible to attend and participate in all activities of the APA open to the membership, but shall not represent themselves as being other than Affiliate members of the APA.
c. Affiliate members shall have no voting rights in matters before the APA, nor are Affiliate members eligible for election to office in the APA.

*Article VIII: Standing Committees*

The following standing committees shall be appointed annually by the newly elected president.

*Membership and Grievance Committee:*

A Membership Committee, consisting of at least three members, two of whom do not hold elected office in the APA, shall be appointed annually. The Membership Committee shall be empowered to examine the qualifications of applicants for all types of membership in the APA. It shall perform such investigations as may be required in their discretion to determine the eligibility for membership of such applicants. Names of applicants for membership shall be circulated among the membership of the APA at least thirty days prior to nominating the applicants to the Board of Directors in order to permit the expression of approval or disapproval by the members. The Membership Committee shall present its nominations for admission of qualified applicants to the Board of Directors. The Membership Committee shall also consider charges against members and make their appropriate recommendations to the Board of Directors.

*Committee on Standards and Ethics:*

The president shall appoint annually a Committee on Standards and Ethics, including at least three members who do not hold elected office in the APA. This Committee shall undertake the accreditation of training facilities, polygraph schools and shall examine suggestions for improvement or standardization of polygraph techniques. In addition, this Committee shall devise a code of ethics of the merging organizations, as well as those embodied in licensing laws of the various state legislatures.

2. *Code of Ethics*

The members of the AMERICAN POLYGRAPH ASSOCIATION hold themselves bound, individually and collectively, to the following Code of Ethics:

I. To maintain the highest standards of moral, ethical and professional conduct; to be governed by laws of equity and justice in the performance of all functions.
II. To respect the inherent dignity of all mankind; to deal justly, fairly, and impartially with each individual, irrespective of social, political, racial, ethnic or religious considerations, economic status, or physical characteristics.
III. To discharge professional duties and obligations with independence, dignity, and self-respect; to keep all decisions and reports scrupulously free from any personal financial, political, fraternal, social or other extraneous influences.
IV. To refrain from false or misleading advertising; to accept no remuneration for services rendered unless such be fair and reasonable; to decline to represent knowingly both sides of an area at issue, except by express permission of those concerned, given after a full disclosure of the facts; to represent with undivided fidelity.
V. To refrain from express or implied public criticism of any member of AMERICAN POLYGRAPH ASSOCIATION, except as may be required by due process of law, placing the welfare and advancement of the Association and the polygraph profession above personal desires and ambitions.
VI. To recommend for membership in the AMERICAN POLYGRAPH ASSOCIATION only those persons who are believed to be fully qualified for the class of membership for which they are applying; who subscribe completely to the moral and ethical standards and Principles of Practice of the Association; and who will strive in every way to be a credit to the polygraph profession.
VII. To support to the best of their ability the professional goals of the AMERICAN POLYGRAPH ASSOCIATION: to support scientific research in the polygraph field; to contribute to better community relations; through word and deed to elevate the status of the polygraph profession.

3. *Standards and Principles of Practice*

In order to achieve unity of purpose, to assure a clear concept of obligations to each other and the profession, and to provide for the continuing welfare and protection of the general public, all members of the AMERICAN POLYGRAPH ASSOCIATION have agreed to abide by the following Standards and Principles of Practice.

1. A member shall recognize the fact that his primary responsibility must be to the person who has volunteered for a polygraph examination, re-

gardless of the circumstances which created the need for the examination.

2. Recognizing that a polygraph examination cannot be conducted on a person against his will, no member will attempt to conduct an examination when he has reason to believe the examinee has been subjected to coercion or duress. Further, no member shall conduct any examination on a person without first advising the examinee of the rights enjoyed by every American citizen against self-incrimination and invasion of privacy.
3. No member shall conduct an examination on any person unless he uses an instrument which makes a permanent simultaneous recording on a moving chart of at least two physiological tracings: the pneumograph and the cardio-sphymograph. This shall not preclude the recording of additional physiological phenomena on the same charts. The provisions of this paragraph shall be subject to such modification as may be required to comply with any state or federal licensing regulation.
4. No member shall conduct an examination on any person whom be believes to be physically or psychologically unfit for testing. In case of doubt as to the propriety of administering a test in any given situation, the member shall seek expert guidance from a competent medical or psychological authority prior to testing.
5. No member shall render a conclusive verbal or written decision or report based on chart analysis without having administered two or more polygraph tests.
6. No member shall terminate a polygraph examination without affording the examinee a reasonable opportunity to explain and to eliminate any reactions which are evident on the charts. Further, no member shall accept the explanation of the examinee for a chart response without verification.
7. No member shall, unless professionally qualified to do so, include in any written report any statement purporting to be a medical, legal, or psychiatric opinion or which would infringe upon areas under the cognizance of professionals in those fields. This shall not preclude the examiner from describing the appearance or behavior of the examinee, if this is pertinent to the examination, as long as the examiner refrains from offering any diagnosis which he is professionally unqualified to make.
8. A member shall not conduct an examination where he has reason to believe the examination is intended to circumvent or to defy the law.
9. A member shall not conduct an examination where he has reason to believe the examination is intended to interfere with or to prevent the lawful organizational activities of a labor union.
10. A member shall not solicit or accept irregular fees, gratuities, or gifts which may be intended to influence his opinion or decision. Further, no member shall set a fee for professional polygraph services contingent upon the findings or results of such services; nor shall he increase any initial fee as a direct result of his findings during any polygraph examination.
11. A member shall not knowingly issue or permit his employees to issue a polygraph examination report which is misleading, biased, or falsified in any way. Each polygraph report shall be a factual, impartial and objective account of the pertinent information developed during the examination and the examiner's professional conclusion, based on analysis of the polygraph charts.
12. A member shall be guilty of gross negligence if it be proven that he did not in fact obtain data reported as factual in any polygraph report. Further, it shall be deemed highly unethical for any examiner to express verbally or in writing a test conclusion which is based solely upon subjective opinion of personal assumption. This does not preclude a professional judgment based on analysis of the polygraph charts, in the absence of substantive admissions by the examinee.
13. A member shall not publish nor cause to be published any false or misleading advertisements relating to the polygraph profession.
14. A member shall not offer testimony concerning the charts or conclusions presented by another member unless he is thoroughly familiar with the techniques and procedures used by the other member. This paragraph shall not prohibit a member from testifying concerning his independent examination of the same examinee.
15. Any person who is convicted of a felony or a crime involving moral turpitude shall be ineligible for any class of membership in the AMERICAN POLYGRAPH ASSOCIATION.
16. A member shall abide by decisions and recommendations officially adopted by the AMERICAN POLYGRAPH ASSOCIATION at any regularly scheduled meeting.

**B. State Licensing**

The American Polygraph Association is completely in favor of state licensing and regulation of the profession. Through its own efforts and those of various state associations, the APA has supported licensing attempts in most of the fifty states. To date, licensing bills or other regulatory laws have been passed in the following states:

| | | |
|---|---|---|
| Alabama | Michigan | Oklahoma |
| Arkansas | Mississippi | Texas |
| Florida | Nevada | Utah |
| Georgia | New Mexico | Vermont |
| Illinois | North Carolina | Virginia |
| Kentucky | North Dakota | |

As an example of the type of strong and regulatory measure which is favored by the APA, a model licensing bill is present in Appendix 2.

# APPENDIX 2

AN ACT

regulating persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation as lie detectors, polygraphs, deceptographs, and/or similar or related devices and instruments; creating as an administrative board, the Polygraph Examiners Board with licensing and/or regulatory powers over all such persons and instruments; providing for administrative proceedings and court review; establishing minimum instrumentation requirements and prohibiting the use of instruments or devices which do not meet minimum instrumentation requirements; providing for injunctions and penalties for violation of the provisions of this Act; providing a savings clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____

Short title

Section 1. This Act shall be known, and may be cited, as the Polygraph Examiners Act.

Purpose

Section 2. It is the purpose of this Act to regulate all persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation (as lie detectors, polygraphs, deceptographs, and/or similar or related devices and instruments without regard to the nomenclature applied thereto) and this Act shall be liberally construed to regulate all such persons and instruments. No person who purports to be able to detect deception or to verify truth or statements through instrumentation shall be held exempt from the provisions of this Act because of the terminology which he may use to refer to himself, to his instrument, or to his services.

Definitions

Section 3. In this Act, unless the context requires a different definition,

(1) "board" means the Polygraph Examiners Board;

(2) "secretary" means that member of the Polygraph Examiners Board selected by the board to act as secretary;

(3) "internship" means the study of polygraph examinations and of the administration of polygraph examinations by a trainee under the personal supervision and control of a polygraph examiner in accordance with a course of study prescribed by the board at the commencement of such internship;

(4) "person" means any natural person, firm, association, copartnership, or corporation; and

(5) "polygraph examiner" means any person who purports to be able to detect deception or verify truth of statements through instrumentation or the use of a mechanical device.

Minimum instrumentation required

Section 4. Any instrument used to test or question individuals for the purpose of detecting deception or verifying truth of statements shall record visually, permanently, and simultaneously: (1) a subject's cardiovascular pattern and (2) a subject's respiratory pattern. Patterns of other physiological changes in addition to (1) and (2) may also be recorded. The use of any instrument or device to detect deception or to verify truth of statements which does not meet these minimum instrumentation requirements is hereby prohibited and the operation or use of such equipment shall be subject to penalties and may be enjoined in the manner hereinafter provided.

Creation of the board

Section 5. (a) There is hereby established a Polygraph Examiners Board consisting of six members who shall be citizens of the United States and residents of the state for at least two years prior to appointment, all of whom shall have been engaged for a period of five consecutive years as a polygraph examiner prior to appointment to the board, and at the time of appointment as an active polygraph examiner. No two board members may be employed by the same person or agency. At least two members must be qualified examiners of a governmental law enforcement agency and at least two members must be qualified polygraph examiners in the commercial field. The members shall be appointed by the Governor of the State of _____ with the advice and consent of the Senate for a term of six years. The terms of office of members appointed to the initial board are two for two years; two for four years; and two for six years. Any vacancy in an unexpired term shall be filled by appointment of the Governor with the advice and consent of the Senate for the unexpired term.

(b) The number of employees and the salaries of each, including travel and expense allowance of the members of the board shall be as fixed in the General Appropriation Bill.

(c) The board shall meet within 30 days after the effective date of this Act and elect a chairman, vice-chairman, and a secretary from among its members. At the meeting, the board shall specify dates spaced at three month intervals on which examinations for polygraph examiners' licenses will be held. A copy

of those dates shall forthwith be delivered to the secretary.

(d) The vote of a majority of the board members is sufficient for passage of any business or proposal which comes before the board.

Administration and expenses

Section 6. (a) The board shall issue regulations consistent with the provisions of this Act for the administration and enforcement of this Act and shall prescribe forms which shall be issued in connection therewith.

(b) An order or a certified copy thereof, over the board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are genuine signatures of the board members, and that the board members are fully qualified to act.

(c) All fees collected under the provisions of this Act shall be paid to the Treasurer of the State of_____. Funds necessary for the enforcement of this Act and the administration of its provisions shall be appropriated by the Legislature, but the funds so appropriated for a biennium shall not exceed the total amount of the fees which it is anticipated will be collected hereunder during such biennium.

(d) The fees collected during the first (biennium) (fiscal year) shall go to the administration of this Act.

Unauthorized practice

Section 7. It shall be unlawful for any person, including a city, county, or state employee, to administer polygraph or other examinations utilizing instrumentation for the purpose of detecting deception or verifying truth of statement or to attempt to hold himself out as a polygraph examiner or to refer to himself by any other title which would indicate or which is intended to indicate or calculated to mislead members of the public into believing that he is qualified to apply instrumentation to detect deception or to verify truth or statements without first securing a license as here in provided.

Examiner's license qualifications

Section 8. A person is qualified to receive a license as an examiner

(a) who is at least 21 years of age; and

(b) who is a citizen of the United States; and

(c) who establishes that he is a person of honesty, truthfulness, integrity, and moral fitness; and

(d) who has not been convicted of a felony or a misdemeanor involving moral turpitude; and

(e) who holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers;

OPTIONAL who holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers, or in lieu thereof, is a graduate of an accredited high school and has five consecutive years of active investigative experience immediately preceding his application; and

(f) who is a graduate of a polygraph examiners course approved by the board and has satisfactorily completed not less than six months of internship training; and

OPTIONAL who is a graduate of a polygraph examiners course approved by the board and has satisfactorily completed not less than six months of internship training, provided that if the applicant is not a graduate of an approved polygraph examiners course, satisfactory completion of not less than 12 months of internship training may satisfy this subdivision; and

(g) who has passed an examination conducted by the board, or under its supervision, to determine his competency to obtain a license to practice as an examiner.

(h) Prior to the issuance of a license, the applicant must furnish to the board evidence of a surety bond or insurance policy. Said surety bond or insurance policy shall be in the sum of $5,000.00 and shall be conditioned that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgements which may be recovered against the licensee by reason or any wrongful or illegal acts committed by him in the course of his examinations. (Note: Annual rate for this type of bond is $10.00 per $1,000.00)

Acquisition of license by present examiners

Section 9. On the effective date of this Act, any person who is actually engaged in the occupation, business, or profession of a polygraph examiner and who is using for that purpose the instrumentation prescribed in Section 3, shall, upon application within 90 days after the effective date of this Act and payment of the required license fee, be issued a polygraph examiner's license which shall be effective no longer than one year from date of issuance, provided, however, that the board may require such applicant to submit satisfactory proof that he is so engaged. The applicant must also satisfy such requirements of Section 8 (a)-(d) and Section 8 (g) of this Act.

If Section 8 (f) is adopted, the last sentence of Section 9 shall read: "The applicant must also satisfy such requirements of Section 8 (a)-(d) and Section 8 (g)-(h) of this Act."

Applications for original license

Section 10. Applications for original licenses shall be made to the secretary of the board in writing under oath on forms prescribed by the board and shall be accompanied by the required fee, which is not refundable. Any such application shall require such information as in the judgment of the board will enable it to pass on the qualifications of the applicant for a license.

Non-resident applicants

Section 11. (a) Each non-resident applicant for an original license or a renewal license shall file with the board an irrevocable consent that actions against said applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process on any such action may be served on the applicant by leaving two copies thereof with the secretary. Such consent shall stipulate and agree that such service or process shall be taken and held to be valid and binding for all purposes. The secretary of the board shall send forthwith one copy of the process to the applicant at the address shown on the records of the board by registered or certified mail.

(b) Non-resident applicants must satisfy the requirements of Section 8 of this Act.

Applicant with out-of-state license

Section 12. An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the board, in its discretion, upon payment of a fee of $_____and the production of satisfactory proof that

(a) He is at least 21 years of age; and

(b) he is a citizen of the United States; and

(c) he is of good moral character; and

(d) the requirements for the licensing of polygraph examiner in such particular state or territory of the United States were at the the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state; and

(e) the applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two years prior to his application for license hereunder; and

(f) such other state or territory grants similar reciprocity to license holders of this state; and

(g) he has complied with Section 11 of this Act.

Internship license

Section 13. (a) Upon approval by the board, the secretary shall issue an internship license to a trainee provided he applies for such license and pays the required fee within 10 days prior to the commencement of his internship. The application shall contain such information as may be required by the board.

(b) An internship license shall be valid for the term of 12 months from the date of issue. Such license may be extended or renewed for any term not to exceed 6 months upon good cause shown to the board.

(c) A trainee shall not be entitled to hold an internship license after the expiration of the original 12 month period and 6 month extension, if such extension is granted by the board, until 12 months after the date of expiration of the last internship license held by said trainee.

Examination and license fees

Section 14. (a) The fee to be paid by the applicant for an examination to determine his fitness to receive a polygraph examiner's license is $_____, which is not to be credited as payment against the license fee.

(b) The fee to be paid for an original polygraph examiner's license is $_____.

(c) The fee to be paid for the issuance of a duplicate polygraph examiner's license is $_____.

(d) The fee to be paid for an internship license is $_____.

(e) The fee to be paid for the polygraph examiner's renewal license is $_____.

(f) The fee to be paid for the extension or renewal of an internship license is $_____.

(g) The fee to be paid for a duplicate internship license is $_____.

(h) The fees required by this Act may be paid by the governmental agency employing the examiner.

Display of license and signature thereon

Section 15. A license or duplicate license must be prominently displayed at the place of business of the polygraph examiner or at the place of internship. Each license shall be signed by the board members and shall be issued under the seal of the board.

Change of business address

Section 16. Notice in writing shall be given to the secretary by the licensed examiner of any change of principal business location within 30 days of the time he changes the location. A change of business location without notification to the secretary shall automatically suspend the license theretofore issued.

Termination and renewal of examiner's license

Section 17. Each polygraph examiner's license shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually as prescribed by the board. A polygraph examiner whose license has expired may at any time within two years after the expiration thereof obtain a renewal license without examination by making a renewal application therefore and satisfying Section 8 (b), (c), and (d). However, any polygraph examiner whose license expired while he was in the federal service on active duty with the armed forces of the United States, or the national guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without

examination if within two years after termination of such service, training, or education except under condition other than honorable, he furnishes the board with an affadavit to the effect that he has been so engaged and that his service, training, or education has been so terminated. Section 8 (b), (c), and (d) of this Act must also be satisfied.

License required to maintain suit

Section 18. No action or counter claim shall be maintained by any person in any court in this state with respect to any agreement or service for which a license is required by this Act, or to recover the agreed price or any compensation under such agreement, or for such services for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement or perform such services.

Refusal, suspension, revocation—grounds

Section 19. The board may refuse to issue or may suspend or revoke a license on any one or more of the following grounds:

(a) for failing to inform a subject to be examined as to the nature of the examination;

(b) for failing to inform a subject to be examined that his participation in the examination is voluntary;

(c) material misstatement in the application for original license or in the application for any renewal license under this Act;

(d) willful disregard or violation of this Act or of any regulation or rule issued pursuant thereto, including, but not limited to, willfully making a false report concerning an examination for polygraph examination purposes;

(e) if the holder of any license has been adjudged guilty by the commission of a felony or misdemeanor involving moral turpitude;

(f) making any willful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees;

(g) having demonstrated unworthiness or incompetency to act as a polygraph examiner as defined by this Act;

(h) allowing one's license under this Act to be used by any unlicensed person in violation of the provisions of this Act;

(i) Willfully aiding or abetting another in the violation of this Act or any regulation or rule issued thereto;

(j) where the license holder has been adjudged an habitual drunkard or mentally incompetent as provided in the Probate Code;

(k) failing, within a reasonable time, to provide information requested by the secretary as the result of a formal complaint to the board which would indicate a violation of the Act; or

(l) failing to inform the subject of the results of the examination if so requested.

Violation by one examiner or trainee not to affect employer

Section 20. Any unlawful act or violation of any of the provisions of this Act on the part of any polygraph examiner or trainee shall not be cause for revocation of the license of any other polygraph examiner for whom the offending examiner or trainee may have been employed, unless it shall appear to the satisfaction of the board that the polygraph examiner-employer has willfully or negligently aided or abetted the illegal actions or activities of the offending polygraph examiner or trainee.

Registration of examiners with county clerks

Section 21. Each polygraph examiner shall register with the county clerk in the county wherein he maintains a business address. The county clerk of each county shall maintain a list of all polygraph examiners registered in his county.

Board hearing

Section 22. (a) When there is cause to refuse an application or to suspend or revoke the license of any polygraph examiner, the board shall, not less than 30 days before refusal, suspension, or revocation action is taken, notify such person in writing, in person or by certified mail at the last address supplied to the board by such person, of such impending refusal, suspension, or revocation, the reasons therefor, and of his right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the refusal, suspension, or revocation action proposed to be taken by the board. If, within 20 days after the personal service of such notice or such notice has been deposited in the United States mail, such person has not made a written request to the board for this administrative hearing, the board is authorized to suspend or revoke the polygraph examiner's license of such person without a hearing. Upon receipt by the board of such written request of such person within the 20 day period as set out above, an opportunity for an administrative hearing shall be afforded as early as is practicable. In no case shall the hearing be held less than 10 days after written notification thereof, including a copy of the charges, shall have been given the person by personal service or by certified mail sent to the last address supplied to the board by the applicant or licensee. The administrative hearing in such cases shall be before the board.

(b) The board shall conduct the administrative hearings and it is authorized to administer oaths and issue subpoenas for the attendance of witnesses and

the production of relevant books, papers, documents, etc. On the basis of the evidence submitted at the hearing, the board shall take whatever action it deems necessary in refusing the application or suspending or revoking the license.

Judicial review

Section 23. Any person dissatisfied with the action of the board in refusing his application or suspending or revoking his license, or any other action of the board, may appeal the action of the board by filing a petition within 30 days thereafter in the district court in the county where the person resides or in the district court of (County)_____, (State)_____, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon 10 days' written notice to the board and the attorney representing the board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereon or whether any other action of the board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the board, and the court shall provide the attorney representing the board with a copy of the petition and order. The board shall be represented in such appeals by the district or county attorney of the county or the Attorney General, or any of their assistants. The board shall initially determine all fact, but the court upon appeal shall set aside the determination of the board if the board's determination (1) is not based upon substantial evidence upon the entire record; (2) is arbitrary or capricious; (3) is in violation of statutory requirements; or (4) was made without affording to licensee or applicant due process of law.

Surrender of license

Section 24. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the secretary; failure of a licensee to do so shall be violation of this Act and upon conviction, shall be subject to the penalities hereinafter set forth. At any time after the suspension or revocation of any license, the secretary shall restore it to the former licensee, upon the written recommendation of the board.

Proceedings through the attorney general

Section 25. If any person violates any provisions of this Act, the secretary shall, upon direction of a majority of the board, in the name of the State of _____, through the Attorney General of the State of _____, apply in any district court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise that the person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such continued violation and if it is established that the person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining the violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the court, or any judge thereof, may try and punish the offender for contempt of court. Proceeding under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Penalties

Section 26. Any person who violates any provision of this Act or any person who falsely states or represents that he has been or is a polygraph examiner or trainee or that is qualified to apply instrumentation to the detection of deception or verification of truth of statements shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for a term of not to exceed six months, or both.

Savings clause

Section 27. The provisions of this Act are severable. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Emergency clause

Section 28. The fact that this state has no law licensing and regulating the use of lie detection or polygraph examination techniques and instruments, and that untrained and unlicensed examiners, and examiners using inadequate techniques and equipment cause great harm to the general public, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

# APPENDIX 3

**The Polygraph and the Courts**

In 1923, an Appellate Court first entertained the possibility of the admissibility of evidence of a lie-detector test. This was in the case of *Frye vs. United States.* (1) In this case, the defendant unsuccessfully attempted to introduce into evidence the results of a "systolic blood pressure" examination. The opposition to the admission of lie-detector evidence was firmly established when the court declared:

> "Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well-recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained *general acceptance in the particular field in which it belongs.*
>
> "We think the systolic blood pressure deception test has not yet gained such standing and scientific recognition among physiological and psychological authorities as would justify the courts in admitting expert testimony deduced from the discovery, development, and experiments thus far made."

Although the legal reasoning upon which the *Frye* decision was based is unquestionably sound, it is nonetheless apparent that justice was thwarted in the process. The defendant, after serving three years of a life sentence, was exonerated by the confession of the actual killer, and released.

In the fifty years since the *Frye* decision, the polygraph has certainly become more reliable and it would appear that the requirement of "general acceptance in its particular field" has long since been satisfied. In spite of this, polygraph evidence was unable to penetrate into the realm of admissibility. Famed Criminal Attorney F. Lee Bailey wrote:

> "The courts place a higher standard on the acceptance of polygraph evidence than on any other scientific evidence, e.g., fingerprints, handwriting analysis, ballistics, etc. The courts are seeking infallibility before granting judicial recognition to polygraph evidence." (2)

In 1953, Dean William Wicker of the University of Tennessee, College of Law wrote the following:

> "If and when convincing evidence is produced that reasonably reliable scientific methods of exposing falsehoods either in or out of the courtroom are available, these methods should be promptly utilized by the legal profession.
>
> Lawyers, judges and law professors know that there is today in our courtroom entirely too much intentional perjury and that it is usually difficult, and often impossible, for even an experienced trial lawyer to expose on cross-examination many of the lies of false-swearing witnesses. The legal profession can no longer assume a complacent attitude concerning our present methods of exposing mendacity." (3)

In 1943, Dr. Lemoyne Snyder, medico-legal expert and member of the now-defunct Court of Last Resort, and author of *Homicide Investigation,* took this position:

> "The next question is apt to be, 'Is the machine infallible?' That question is exactly like asking whether a clinical thermometer, stethoscope, X-ray machine or compound microscope is infallible. A trained scientist may be mistaken in what he sees or hears by any of these devices. Like the thermometer and stethoscope the polygraph is simply an instrument for noting or recording physiological processes and it is possible for the operator to be mistaken in his interpretation of the recording. Even in the best of clinics the interpretation is not 100 percent accurate, but that does not imply that the machine should not be used. The same can be said for the polygraph." (4)

The only exception in many jurisdictions to the general rule of inadmissibility is the admissibility of stipulated polygraph evidence. Both parties must sign the stipulation, which provides for the application of the test and the admission of the test results, regardless of the outcome. Such a stipulation should also specify the test conditions, the issue of general reliability, the right to cross-examine with respect to the qualifications of the examiner, and any other matters deemed relevant by the trial judge.

> . . . if the trial judge is not convinced that the examiner is qualified or that the test was conducted under proper conditions he may refuse to accept the evidence.
>
> That if such evidence is admitted the trial judge should instruct the jury that the examiner's testimony does not tend to prove or disprove any element of the crime with which a defendant is charged but at most tends only to indicate that at the time of the examination defendant was not telling the truth. (5)

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(1) 54 App. D.C. 46, 293F. at 1013 (1923)

(2) Criminal Law Library F. Lee Bailey, Henry B. Rothblatt, *Investigation and Preparation of Criminal Cases,* Federal and State, Lawyers Co-operative, Bancroft-Whitney, Rochester, N.Y. 91970) Par. 379, page 299.

(3) Wicker, Wm., *The Polygraphic Truth Test and the Law of Evidence,* 22 Tenn. L. Rev. 711 (1953).

(4) 15 Rocky Mtn L. Rev. 162 (1943).

(5) Id.

A degree of stability was gained in the case of *State vs. Valdez* (6), in which the Supreme Court of Arizona held that expert testimony relating to the polygraph and polygraph results was admissible upon stipulation by both parties. The court further stated that this evidence would be inadmissible in the absence of the stipulation. The court acknowledged that lie-detection technique had been improving steadily but that much more should be done before the results can be admitted generally. By so stating, the court left open the question of scientific reliability of lie-detector results.

In *The People vs. House* (7), the validity of the stipulation with regard to the admissibility of lie-detection results was upheld. The defendant, with his attorney's approval, had signed an agreement under which the results would be admissible on behalf of himself or the state. He was convicted of a sex offense but appealed on the grounds that the results were inadmissible regardless of the fact that he had signed a stipulation. In affirming the conviction, the court stated:

> "It would be difficult to hold that defendant should **now be permitted on this appeal to take advantage** of any claim that such operator was not an expert and that as to the results of the test such evidence was inadmissible merely because it happened to indicate that he was not telling the truth. . . ." (8)

The polygraph, even with the strict rules of evidence against its use, has progressed to the point where many courts now use the results of polygraph examinations in their decisions. The most progressive group of jurists are the judges of the Municipal Courts of Chicago, who have for the most part regularly admitted and relied upon such results as evidence in criminal, quasi-criminal and civil cases for over thirty years. Preliminary hearing courts such as Felony Court and Boys' Court in Chicago regularly use polygraphy to assist the judge in determining whether the defendant should be bound over to Grand Jury or freed.

Judge Rodger Alton Pfaff of the Supreme Court of Los Angeles County has stated:

> "An adequate polygraph in the hands of a competent examiner can be adequate aid in the administration of justice." (9)

Since March 1962, the Los Angeles Superior Court has been employing the polygraph in domestic relations cases, first in child custody cases and later in paternity cases, with excellent results to such an extent that now attorneys ask for the polygraph and not the judges in many cases. (10) In 1968, the Grand Jury of Anne Arundel County, Maryland recommended to the State's Attorney's Office that, in all offenses involving crimes against persons, the victim should be required to submit to a polygraph examination to confirm their complaint, and the state's attorney has placed into practice this recommendation which has had excellent results in depicting numerous false complaints being made to the police.

The results of a lie-detector test were admitted over the objection of the prosecution in the case of Andrew Ferrando in a trial in Hennepin County District Court, Minnesota in October 1969 by Judge Dana Nicholson. Ferrando was being tried by the jury for lurking in order to commit theft in a northeast Minneapolis bar. After the trial Judge Nicholson told reporters that he had studied the development of lie-detectors, formally called polygraphs, and believed they have reached the point where they are reliable enough to be admitted as evidence (11).

Albert S. Dabrowski, in this article "The Polygraph Revisited: An Argument for Admissibility" as published in the Criminal Law Bulletin Vol. 6, No. 2, 1970, stated:

> "The present legal attitude with respect to the lie-detector reflects a position which has not been materially recast since 1923. At that time, the instrument was merely a device concerned with the recordation of blood pressure variations. It has since matured into a sophisticated procedure employing numerous physiological measurements, which, when in the hands of a competent examiner, is commensurate with, and even superior to, most of the presently approved forms of evidence, scientific as well as non-scientific, that feature in criminal and civil trials. (12)

The value of the polygraph technique, when used in a proper manner, warrants judicial recognition. This does not imply unconditional acceptance. The endorsement is limited strictly to the area where the examination has exhibited a high degree of reliability in the hands of a *competent* examiner under the proper test conditions.

The examiner, in all cases, must be available for cross-examination and court inquiry into the test environment, the reliability issue, and his own personal qualifications. In criminal cases, the defendant must be advised of the right to counsel and the right to remain silent.

Attorney F. Lee Bailey, has laid a foundation in support of scientific proof of credibility in not less than six trials, but in each case where such testimony was

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(6) 91 Ariz. 274, 371 P. 2d 894 (1962)

(7) 85 Cal. App. 2d 686, 193, P.2d 937 (1948)

(8) Id. at 694-95, 193, P.2d at 942.

(9) Rodger Pfaff, *"The Polygraph: An Invaluable Judicial Aid."* American Bar Association Journal, (Chicago, 1964), Vol 50, No. 12, p. 1130.

(10) Ibid., p. 1131.

(11) "Results of Lie-Detector Test Accepted," (The Minneapolis Star) American Polygraph Association Newsletter, (Hollywood, 1969), Vol. 3, No. 6, p. 3.

(12) Preface to Reid at V.

produced by experts, an acquittal resulted and no appellate test could be made of the admissibility of the polygraph. Bailey has stated that the prosecution in almost all cases involved was unable to marshall even a recognizable rebuttal. Bailey has been quoted as follows:

"In these troubled times when courts are backlogged with controversies of every kind and lawyers and judges are forced to rely on a system where mendacity among the litigants is more often the rule than the exception, the polygraph technique could precipitate dramatic and bountiful improvement in our law. The concerned speculation that juries will give way to polygraphs as a system of justice, if perhaps plausible is by no means sound. Much more likely is the fact that those litigants and witnesses who are not inhibited by an oath will, knowing that means of checking their proposed testimony is available, make much less frequent appearances on the witness stand. If guilty defendants are persuaded to plead guilty because of the presence of the polygraph in our column of scientific evidence, good will certainly be the product of this development. Certainly, other scientific progress in the past has reduced the opportunity of the guilty to escape justice and enhanced the likelihood that the innocent will not be tried at all. Fingerprints, firearms identification, chemical tests for intoxication, blood tests for paternity, and even mechanical devices for measuring a motorist's speed have all contributed to the accuracy and reliability of the judgment of a court. The time has clearly come for the adoption in our system of this invaluable aid to judicial accuracy." (13)

During 1972, a dramatic change was apparent in the attitude of the courts with respect to admissibility of polygraph. Some of the highlights follow.

a) In August 1972, Judge Warren Douglas of Cherry Hill (New Jersey) Municipal Court upheld the right of an employer to use a polygraph test as an alternative to a credit check in interviewing prospective employees. The New Jersey law stipulates that the employer may not require a lie detector test as a condition of employment or continued employment. Judge Douglas ruled that the polygraph was used only as an alternative to a credit check and that the written statement signed by job applicants sufficiently informed them that the lie detector test was not a condition of employment.

b) In October 1972, the results of a lie detector test were admitted into evidence in a New York State court for what the judge said was the first time in New York history. Acting Judge Julian R. Hanley of the Family Court said that he had ordered the test for a woman plaintiff in a paternity case.
He later admitted the results as evidence and subsequently denied her petition to have the defendant named as the father of her child. In making his decision, Judge Hanley noted that lie detector tests have been used by prosecutors and lawyers for years. "Everyone but the court has found it a useful and reliable guide to the truth," Hanley said. "The courts and all concerned were fully aware of the fact that lie detector tests have never been allowed into evidence before in the courts of this state." In his decision of this case Judge Hanley said that the lie-detector test was received in evidence "Not as direct proof of fact," but rather "only on the question of the credibility of the petitioner."

c) Judge James Calhoun of the Juvenile Court in Tampa, Florida now requests parents to take polygraph examinations in cases where questions arise concerning the care of small children, according to a June article in the *Tampa Tribune*.

d) In late 1972, Judge Edwin Kassoff, a judge of the Queens (New York) Civil Court, used polygraph evidence to help him decide if a man was owed $910. The judge stated that the case was such that "even the wisdom of a King Solomon would be tried in deciding." Judge Kassoff permitted the introduction of polygraph evidence to help resolve the difficult suit involving a personal loan. The judge was believed to be the first state court judge to permit the introduction of the results of a lie detector test since 1969 when the Court of Appeals prohibited such evidence.

e) In late 1972, the New Jersey Supreme Court ruled that results of lie detector tests may be used as evidence in criminal trials, when the defense and the prosecution agree to it. In a 5-0 decision the court said that lie detector tests have become reliable enough to use as evidence.

Superior Court Judge Mark A. Sullivan, who wrote the decision, wrote "we conclude that the polygraph testing has been developed into such a point of reliability that in a criminal case when the state and defendant enter into a stipulation to have the defendant to submit to a polygraph test, and have the results introduced as evidence, such a stipulation should be given effect. Polygraph testing has sufficient probative value to warrant admissions under these circumstances. It must also appear that the examiner is qualified and the test administered in accordance with established polygraph techniques."

f) *In U.S. v. Ridling*, (12 CrL 2055) District Judge Charles W. Joiner of the Eastern District of Michigan, in an extremely well reasoned and analytical opinion, ruled that the defendant who was charged with perjury would be tested by a

(13) Criminal Law Library, F. Lee Bailey, Henry B. Rothblatt, Investigation and Preparation of Criminal Cases, Federal and State, Lawyers Co-operative, Bancroft-Whitney, Rochester, N.Y. 1970, page 310 and 311, paragraph 380.

court appointed expert and that the results of the test would be disclosed to the jury. Judge Joiner, after conducting an evidentiary hearing, wrote an opinion which could very well serve as the precedent for which other District Court Judges have long sought.

g) Shortly thereafter, the U. S. District Court Judge Barrington D. Parker of the District of Columbia, in the case of *U. S. vs Zeiger* (12 CrL 2057), ruled that the results of the lie detector would be admitted as evidence in court for the first time in the District of Columbia. In making his ruling, the federal judge stated that polygraph has become "an established field of science and technology."

h) In November 1972, a California judge, Superior Court Judge Allen Miller, accepted a lie detector test as evidence, saying that scientific tests have shown the instruments to be so accurate that the old rule barring the use of lie detector tests in court rooms should be changed. Judge Miller made his ruling in the case of Raymond Cutter who was arrested at Los Angeles International Airport and who took a lie detector test to prove that the evidence involved was illegally seized. The test showed that Cutter was truthful and the judge then ruled that the evidence could not be introduced.

In making his ruling, the judge said that the courts are greatly in need of some way to determine when the witnesses and defendants are telling the truth. "Perjury is prevalent and the oath taken by witnesses has little effect to deter false testimony. The principal role of the trial of fact is the search for truth and any reasonable procedure or method to assist the court in this search should be employed." He further stated that court decisions against admissibility of polygraph evidence "should be reviewed and re-evaluated in light of the current scientific knowledge of the subject."

More recent and other significant legal decisions follow:

**A. State Courts**

1. *Commonwealth of Massachusetts v. Juvenile* [*BR-15,322*] decided by the Massachusetts Supreme Judicial Court in June, 1974. The Court recognized that substantial advances have been made in the field of polygraphy since 1963 when the Court rejected the admission of such evidence in *Commonwealth v. Fatalo*, 346 Mass. 266 (1963) and opened the door for the admission of polygraph examination results in criminal trials under certain circumstances.
2. *State of Wisconsin v. Stanislawski*, 216 N.W. 2d 8 (1974). In another recent decision (April 2, 1974), the Supreme Court of Wisconsin departed from its prior decision in *State v. Bohner*, 210 Wis. 651, 246 N.W. 314 (1933) wherein it had rejected polygraph evidence for any purpose and under any circumstances. In the *Stanislawski* case, the Court stated:

   "We find it clear that, during the same forty or fifty years, polygraph tests have moved from the 'twilight zone' of *Frye* to such degree of standing and scientific recognition that unconditional rejection of expert testimony based on polygraph testing is no longer indicated."

   The Supreme Court of Wisconsin there adopted the conditions for the admission of the results of polygraph examinations previously adopted by the Arizona Supreme Court in *State v. Valdez*, 91 Ariz. 274, 371 P.2d 894 (1962).
3. *State of New Mexico v. Alderete*, 521 P.2d 138 (1974). Also, in a recent decision (February 27, 1974), the Court of Appeals of New Mexico affirmed a trial court's decision which did not admit the results of a polygraph examination into evidence where the polygraphist failed to produce his polygraph records in court. However, Chief Judge Wood of the Court found that upon a proper foundation being laid, the admission of the test results into evidence is within the discretion of the trial court. In a specially concurring opinion, Judge Lopez stated:

   "I fully concur in the opinion of Chief Judge Wood. I wish to add that I feel that polygraph testing is potentially of great value to the judicial processes of this state. When we are presented with a proper record meeting the requirements set forth in Judge Wood's opinion, I would hold this type of evidence admissible. I encourage counsel in future cases to develop such a record."
4. *State of Nebraska v. Sanchell*, 216 N.W.2d 504 (1974). In this case (which was decided on March 1974), the Supreme Court of Nebraska held that the agreement of a prosecutor that a defendant would not be prosecuted if he passed a polygraph examination was not enforceable absent the trial court's approval. However, the Court there noted:

   "We do not want to do anything to discourage the use of polygraph as it is a useful tool in police and prosecutorial work and no doubt results in many determinations not to prosecute."
5. *State of Ohio v. Donna Sonnie*, No. 73 CR 100, June 20, 1974. The Court of Common Pleas for Lake County, Ohio, ruled that testimony as to the results of two polygraph

tests taken by the defendant would be admitted "as an aid to the jury in arriving at credibility of witnesses and determine guilt or innocence." The Court conditioned its ruling on the defendant taking an additional polygraph examination by an examiner selected by the prosecuting attorney subject to the approval of the Court.

6. *State of Florida v. George Curtis*, No. 70-5585, January 31, 1973. The Circuit Court of the Eleventh Judicial Circuit for Dade County, Florida allowed a Defense Motion for the admissibility of the results of two polygraph examinations, one given by an examiner of the defendant's selection and the other by a court appointed examiner. The court stated that in future cases, polygraph opinions would be admitted in the event the defendant, through his counsel, first requested the State to stipulate to a polygraph test and its results, and if the State rejects the stipulation, the defendant may apply to the court, who will appoint one or more qualified examiners to conduct a polygraph examination subject to certain conditions.
7. *Powers v. Carvalho*, 109 R.I. 120, 281 A.2d 298 (1971). The Rhode Island Supreme Court said at R.I. 126,

> "Evidence as to the result of (polygraph). . . tests is to be admitted only if a foundation has been laid establishing the acceptance of a device as reliable and accurate in the relevant scientific fields of endeavor and of the qualification or expertise of the person who operated the device and interpreted the results. Obviously, evidence as to the results of lie detector tests are never admissible as conclusive of guilt or innocence of a person who is charged with a crime, such conclusion being exclusively within the province of the jury. Neither should it be admitted as conclusive of the truth or falsity of a factual statement made by a person undergoing the test but only as evidence for the jury's consideration on the question of creditability, this being also exclusively within the province of the jury."

**B. Federal Courts**

In addition to *United States v. Ridling*, 350 F Supp. 90 (E.D. Mich. 1972), two other federal district courts have recently admitted the results of a polygraph examination into evidence, namely *United States V. Hart*, 344 F. Supp. 522 (E.D. N.Y. 1971) and *United States v. Dioguardi*, Crim. No. 72-1102 (E.D. N.Y. 1972) which was not officially reported.

In the *Dioguardi* case, a defendant charged with having falsified a loan application claimed that the handwriting on the application was not his. Although another man came forward claiming to be the guilty party, the government alleged that his actions were essentially collusive. The defense attempted to introduce the results of polygraph tests on both the defendant and the man who claimed to have committed the crime, but the government objected. In an evidentiary hearing, the polygraph expert for the Manhattan District Attorney's office testified that in his experience the polygraph was more reliable than either handwriting or ballistic evidence, both of which are admissible at trial. Judge Weinstein of the Eastern District of New York, a member of the Advisory Committee on the Federal Rules of Evidence, then ruled that if the two men would agree to submit to a test by a court appointed expert, both the latter's testimony and the testimony of the defendant's expert would be admissible before the jury at trial. The results of the court-appointed expert's test and the defendant's test were apparently the same, and the government agreed to dismiss the indictment.

In the *Hart* case, two former federal narcotics agents were accused of soliciting bribes. The principal government witness, a confessed narcotics dealer, revealed during cross-examination that he had taken a lie detector test at the request of the government. When the tests indicated he was lying, the court ordered that the results be disclosed to the jury. Without holding a prior evidentiary hearing, Judge Judd ruled that the government should be prepared to show why it administered the test to the witness and why it subsequently disregarded the results. The government subsequently dismissed the indictment.

The decision of Judge Barrington D. Parker in *United States v. Zeiger*, 350 F. Supp. 685 (Dist. of Col. 1972) to receive the results of a polygraph examination into evidence was reversed in a *per curiam* order by the Court of Appeals in 475 F.2d 1280 (1972). However, in an address before the Fourth Annual National Workshop on Practical Polygraph Procedures, Delta College, Michigan, Judge Parker viewed the matter as follows:

> "In 1971 Judge Earl Larson of the U. S. District Court of Minnesota in a post trial motion for reduction of sentence filed on behalf of a defendant convicted of tax fraud was concerned with the *"criminal intent"* of the defendant. His counsel was permitted—over the objection of the district attorney—to present testimony of a polygraph expert—who testified at some length and in some detail as to the procedure employed.
>
> "In 1972 Judge Jack Weinstein of the Eastern District of New York in an unreported decision—ruled in an evidentiary hearing to admit the testimony of two polygraph experts—one court appointed—before the jury at trial.

"The defendant was charged with falsification of a loan application, but a 3rd party admitted to the charge. The prosecuting attorney claimed, however, that his actions were essentially collusive. Both men agreed to and were examined by the court expert. The tests confirmed the defendant's contentions and the government dismissed the indictment.

"At approximately the same time in the Eastern District of New York there is a reported decision—*United States v. Hart,* 344 F. Supp. 522, involving solicitation of bribes by a narcotic agent.

"During the trial it was brought out on cross examination of a government witness that the witness had taken a polygraph test—administered by the government which indicated he was lying. Judge Orrin Judd, who was presiding, ruled that the government must show why it administered the test to its witness and why it later disregarded the results. The government then dismissed the case and elected not to appeal the trial court's ruling.

"More recently—in 1972—other reported opinions were regarded as signaling perhaps a change in the established rule against the admissibility of polygraph testimony.

*"U. S. v. Zeiger.* In that case your speaker was impressed by the highly professional performance of—Mr. Frederick Barnett—the lead counsel—and the knowledgeable witnesses—Mr. Lynn Marcy, Mr. John Reid, Mr. Warren Holmes, Mr. David Raskin, and Mr. Cleve Backster. (Unfortunately) in less than 72 hours it was reversed by the U. S. Court of Appeals for the District of Columbia without an opinion.

"The unfortunate aspect about the case was that no opportunity was afforded for a complete, and detailed briefing and argument of the issues involved.

"The case went up on appeal pursuant to a provision of the D. C. Code permitting the United States to appeal a ruling during the trial which involves a substantial question of law requiring appellate resolution. The Code provides for an expedited appeal—with argument before the appellate court and a decision by them within 96 hours. Because of limitations on time and briefing, a full and comprehensive presentation of the subject was impossible.

"Following the ruling on inadmissibility the trial resumed and fortunately Mr. Zeiger was acquitted. This might be regarded as an unfortunate development for his counsel—who were deprived the opportunity to present a well developed brief and argument on all issues—allowing for a more thoughtful and deliberate consideration by the appellate court under normal circumstances."

Also, in *United States v. Lanza,* 356 F Supp. 27 (M.D. Fla. 1973), Judge Tjoflat found that an insufficient foundation was laid in that case to justify admitting the results of the polygraph examination in evidence. However, he disagreed with the government's position that the results of polygraph examinations should never be received into evidence and ruled that given an adequate foundation, it would be within the discretion of the trial judge whether to receive such evidence. The Court there stated (p. 30):

> "During the trial of this case, the defendant John Newton Fountain advised the Court that as a part of his defense he proposed to offer expert testimony on the results of a polygraph examination that had been administered to him. The government objected to the admission of any evidence relating to the polygraph test, citing numerous decisions on the subject and noting that no federal court has admitted the results of a polygraph examination.
>
> "In *United States v. Chastian,* 435 F. 2d 686, 687 (7th Cir. 1970), and *United States v. Wainwright,* 413 F. 2d 796 (10th Cir. 1969), both cited by the government, the refusal to admit the polygraph results were based on the failure of the proffering party to lay a proper foundation for the testimony. In each instance, the Court noted that, given an adequate foundation, it would be within the discretion of the trial judge whether to receive such evidence. The Court views this, rather than the *per se* rule urged by the government, to be the correct approach to the question of admissibility."

For the benefit of those who wish to research the legal area of the polygraph further, a special bibliography is presented herewith.

**Legal Aspects of the Polygraph: A Bibliography**

by Gordan H. Barland


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APPENDIX 4

880 NEWS AND VIEWS

RETAIL STORE EMPLOYEES UNION LOCAL 880
2828 EUCLID AVENUE • CLEVELAND 15, OHIO

VOLUME X, NUMBER 7 62 JULY-AUGUST, 1968

# Let's Quit the Stupid Snooping that Passes for "Store Security"

**By David McDonald, President of Local 880**

It's about time someone blew the whistle on the little tin-horn gestapo that passes itself off as "security forces" in some of our distinguished retail establishments.

Personally, I got about as much of it as my weak stomach could take when a blameless—and incidentally, underpaid—employee came to us recently and announced that he had been forced to quit his job for "stealing."

Had he stolen? He said no, he had not, but the "security" quizzed him, browbeat him, finally got him to "confess." Then the bold investigators dictated the "confession"—and the poor guy signed it after being promised he would not be molested, his reputation would not be stained, and he could quit in secret.

What he was not told is interesting. If he had let it go at that, the record would be left with his employer. And then, every time he sought a job, and the prospective new boss checked on his previous place of work, he would be turned down.

For the rest of his days, he would never have known what hit him. Each successive company to which he applied would note him as a thief. And yet he would never doubt that the "security" had kept its promise not to give him away.

The payoff is most remarkable. This man was innocent! Even as he protested his innocence, he was tricked into making a confession of something he knew he had not done. To his amazement, he even learned that his fellow employes had "seen" him do the evil deeds. By the time the grilling ended, he was eager enough to sign something and get out of the room, out of the store, out of the company, out of the job.

He was even convinced that by signing, he had avoided a 30-year jail sentence and permanent dishonor for his family. Even though he was innocent, he had been convinced that the "evidence" was sufficient to hang him.

This is not an isolated incident. Sometimes, as in this case, the offended worker will come to his union. Sometimes, as in this case, the union will help prove that the "confession" is phony. Sometimes, as in this case, the employee's job is won back, his slate wiped clean, his boss lavish in apology. The boss, by the way, can get away with that, too. There is no false arrest, because the man was not actually arrested.

This is another way in which the two-bit gumshoe can score his lousy points. He goes to the real law enforcement authorities and to the real courts on only rare occasions. His job ends after browbeating some poor chump into finking on himself—for nothing, if necessary.

In some cases, this closes matters—and in many cases, if a real crime has been committed, the self-styled private eye has let the real culprit go free.

Perhaps this column should have been written a long time ago. Perhaps all of us were a little reluctant to speak our minds because it is never popular to be—or even seem to be—on the side of lawlessness against the forces of law and order.

Well, we have nothing to apologize for on that point. We do not condone thievery. We have no affection for crooks, and we are as interested as the employer is in exposing and ousting them.

I strongly recommend that any employer who suspects a worker of dishonesty get in touch immediately with Local 880. If there is any cause for pursuing an investigation, we will cooperate to the fullest. If disciplinary action is needed, we will not stand in the way of any fair and, if necessary, firm action. If we find reason for calling the police or the prosecutor's office, we'll support that, too.

To our members, however, we must give these words of warning:

1. If the "Securities" call you in, do not cooperate with them. Call the union to learn of your rights.
2. Do not sign anything.
3. Under no circumstances should you submit to "lie detector" tests. These can be—and often are—rigged.

As for the employers, we can only say they had better start leashing their clumsy bloodhounds.

AMERICAN BAR ASSOCIATION JOURNAL
VOLUME 50 NUMBER 12 DECEMBER 1964

# The Polygraph: An Invaluable Judicial Aid

by Roger Alton Pfaff • *of the Superior Court of Los Angeles County*

# The Polygraph: An Invaluable Judicial Aid

**An adequate polygraph in the hands of a competent examiner can be an invaluable aid to the administration of justice, Judge Pfaff declares. He points out the varied uses to which the polygraph has been put in Los Angeles County. But there are too many untrained people with $25 boxes in the polygraph field, and licensing laws and standards are needed, he says.**

**by Roger Alton Pfaff • *of the Superior Court of Los Angeles County***

RECENTLY THE lie detector received national attention when a Congressional committee took testimony on its reliability and the propriety of its use by federal agencies.[1] Critics caustically condemned it as unreliable and a "mental blackjack", while its supporters presented statistics to prove it a benefactor to the innocent and an aid to law enforcement. This harangue has been going on since 1885 when the Italian criminologist, Lombroso, built an instrument for recording blood pressure and pulse changes.

First, let me state what this article does not intend to do. It will not concern itself with discussing the legal or constitutional quarrels over the admissibility of "detection tests" into evidence. It will not bore the reader with a recitation of appellate court opinions on the subject or, in spite of the title, defend the lie detector as such.

It is my hope to clarify certain misconceptions about what I would prefer to call "scientific truth testing" by the use of the polygraph instrument utilized by a *competent* examiner.

Today anyone can buy what is commonly called a lie detector for under $30 and be in business. This type of lie detector indicates only galvanic skin response by a fleeting reading on an electrical meter. On the other hand, a polygraph permanently records in ink on a graph pulse, blood pressure, breathing and (in the majority of cases) galvanic skin response. This instrument can cost several thousand dollars. The competent polygraph examiner usually is a graduate of a recognized, accredited school staffed by qualified polygraph instructors. He also has an educational background which includes psychology and physiology and experience in the art of interrogation.

## *Too Many Incompetents Pose as Experts*

Unfortunately, there are no federal regulations and only three states regulate the use of the polygraph.[2] There are too many incompetent and amateur examiners who pose and operate as lie detector experts. This undoubtedly has been a major contributing factor to the misunderstanding, apprehension and in some instances open antagonism to lie detectors. According to Professor Fred E. Inbau of Northwestern University School of Law, a recognized authority on the polygraph, "eighty per cent of people who administer tests do not measure up to standards we feel are required".[3]

When Joe Dokes starts operating his lie detector after reading the little booklet the manufacturer provided with his $25 gadget, it goes without saying that he does great harm to his gullible clients and to the qualified profession of polygraphy.

We are all aware of the invaluable use the polygraph has been in criminal cases. But its use in civil cases has been largely overlooked, except in Cook County, Illinois, and Los Angeles County, California.

Lawyers and judges are familiar with the unpleasant fact that all too frequently in cases involving conflicts over children, parties in a divorce action make the most vicious accusations concerning moral character—accusations which are difficult, if not impossible, to refute. Having the parties submit to a psychiatric evaluation is of limited value since psychiatrists have no built-in antenna to ascertain the truth or falsity of charges of immoral conduct, nor do judges for that matter.

This report is to demonstrate dramatically how the use of the polygraph by a competent examiner has

1. Government Operations Committee of the House of Representatives, April 8, 1964.

2. Illinois regulates "detection of deception examiners" since 1963 through the Department of Registration and Education. The requirements are a degree of the baccalaureate level, six months internship training and a rigorous examination as to competency. ILL. REV. STAT. ch. 38, §§ 951-980 (1963). New Mexico (N.M. STAT. ANN. §§ 67-31-1 to 67-31-14) and Kentucky (KY. REV. STAT. §§ 329.010-329.990) also regulate examiners through licensing.

3. Los Angeles Times, April 8, 1964.

saved untold hours of court time, amicably resolved bitter child custody and visitation rights. cleared blackened reputations from false and vicious accusations. concluded conflicting contempt charges. repeatedly settled contested paternity suits without trial. and even brought about marital reconciliations.

Since March, 1962, the Los Angeles Superior Court has been utilizing the polygraph in domestic relations cases in a controlled experiment. first in child custody cases and later in paternity cases. Attorneys immediately were so satisfied and pleased with the results that now they, not the judge, suggest use of the polygraph. They voluntarily stipulate that the polygrapher's written report be received in evidence.

Yet this should not seem strange. It has been my experience that most attorneys who discuss a domestic relations case affecting the welfare of children in chambers, outside the presence of their warring and irrational clients, sincerely desire an order that will be for the best interests of the children. To that end they are amenable to any procedure that will ascertain the truth on which an intelligent order can be based.

### *How the Los Angeles System Works*

The simplest and most succinct way to explain how the Los Angeles system has worked is by explaining how it originated.

Mrs. B sued her husband for divorce, requesting in her affidavit for *pendente lite* orders that her husband be denied any visitation rights with the two daughters, ages twelve and nine, alleging that he had been committing incestuous acts with the older daughter for the past two years and had just recently been making suggestive remarks to the younger daughter. The father vigorously denied the charges and volunteered, "I'll take a lie detector test!" When I asked the mother if she would stipulate to the daughter's taking a similar test if the husband's test indicated he was truthful or if it was inconclusive, she agreed.

The problem then was to find a competent polygrapher. The Los Angeles Police Department no longer permits its polygraph examiners to accept private assignments. but fortunately they suggested Lieutenant Warren King of the Burbank Police Department. He agreed to take the case for a nominal fee of $25. which the husband was ordered to pay in advance when he arrived for the examination. Both parties stipulated that the polygraph examiner's report would be received in evidence and considered by the court.

Lieutenant King interviewed the mother and daughter by telephone prior to the husband's appointment. He interviewed the husband. who denied any sexual relations whatsoever with his daughter. The polygraph test was administered. and it definitely indicated he was untruthful. When the examiner told him this fact. he then admitted that he had lied. but stated he had not actually had sexual intercourse but everything short of it in order to explain such matters to her at her request. That settled the question of visitation.

It was then I suggested that a controlled experiment be set up whereby Lieutenant King and later his associate, E. C. Wenberg, would handle all cases until we had case histories sufficient in number to indicate whether the polygraph was a workable and valuable asset in the judicial process. Both these examiners are highly qualified and experienced.

### *The Case of the D's*

Mr. D, an innocuous-appearing little man, had brought a contempt proceeding against his second wife, twenty years his junior, for refusal to comply with the court's order giving him alternate weekend visitation rights with their three-year-old daughter. Mr. D had a twenty-three-year-old daughter by his prior marriage and a granddaughter two and a half years old.

Mrs. D responded by saying that her refusal was based on her suspicions that he was sexually molesting their little daughter, who twice had returned home after visiting with the father with the area around her genitals irritated. She also accused the father of breaking into her home when she was absent and destroying an oriental figurine on the television set.

All this he vehemently denied. Both attorneys thought it a good idea for him to take a polygraph test. to which he most reluctantly agreed.

The examination showed he was truthful concerning the charge of child molesting. but that he was untruthful about breaking into his wife's home. and when so informed he admitted he had pried open a window and while crawling through he had knocked off the oriental figurine. The examiner reported that Mr. D seemed not at all concerned about the charge of molesting his child. but that he was terribly embarrassed and upset over being found out on the housebreaking. The polygraph report also allayed the mother's fears and visitation rights were resumed, the contempt dismissed.

### *Three Other Cases*

Mr. G. after a final decree of divorce. sought custody of his two daughters. alleging that the little girls had complained to him that their mother had been committing certain strange acts they couldn't understand with a woman who was living in the home. Alarmed, the father spied on the house and then brought the action for custody.

In chambers the wife's attorney impugned the ethics of the husband's attorney in being a party to such a scurrilous and false accusation that the mother was a Lesbian. I then suggested that we could avoid a nasty hearing if the parties would take polygraph tests. The wife's attorney instantly stipulated.

A week later the polygraph examiner's report stated that the wife arrived, he interviewed her and then commenced to prepare the instrument to give the test when she stated, "You don't have to give me that test. It's all true as reported and furthermore I have no intention of giving up my girl friend."

Mr. and Mrs. P each brought contempts against the other for failure to comply with the court's order. The charges were diametrically opposed;

**Roger Alton Pfaff was educated at the University of Oregon (B.S. 1932) and the University of California Law School (LL. B. 1936). He is now Presiding Judge of the Consolidated Domestic Relations and Conciliation Court of the Superior Court of Los Angeles County. He is also Chairman-Elect of the Section of Family Law of the American Bar Association.**

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one or the other was lying. The attorneys suggested they both submit to polygraph tests, which showed that the wife was untruthful on every count in her contempt and the husband was telling the truth. The case was settled without further hearing and I have not seen them since.

Mrs. X was positive her husband had been engaging in an illicit relationship with her best friend. Mr. X emphatically denied the charge, stated he loved his overjealous wife and three children: he was distraught at the possibility of a divorce. When I suggested recourse to the polygraph to settle her suspicions, both parties agreed. The polygraph test proved him truthful, which satisfied the wife, a reconciliation was effected, the divorce complaint dismissed.

### *Paternity Cases*

In a society characterized by premarital sexual promiscuity (one of every six marriages involves a premarital pregnancy; 40 per cent of teenage marriages), lax morals and divorce (one of every four marriages), is it any wonder that paternity suits are common?

The polygraph can play a decisive role in paternity proceedings, particularly in those cases in which there is a direct conflict in the evidence and the blood test does not rule out the defendant as the alleged father.

Paternity proceedings have been too perfunctory in the past. Little Nell names Harry as the father and since sexual relationships are usually clandestine the end result is that Harry is guilty until he can prove himself innocent. Years ago I customarily ordered temporary support and attorney's fees to Nell and also ordered Harry to pay the medical and hospital bills when a prima facie showing of paternity was made at the preliminary hearing. Then after the child was born and a blood test scientifically and unequivocally proved Harry was not the father, he would be greatly relieved but outraged, and would demand of my clerk that the judge get him back his money.

Sidney B. Schatkin has pointed out that "30 per cent of the accused men in the City of New York, who deny paternity and demand the test, are actually not the fathers of the children in question".[4] He also pointed out the interesting fact that 18 per cent of the men who admitted paternity were actually not the fathers of the children they acknowledged.[5]

It has been my practice in recent years, if the unborn child's birth is imminent or the expectant mother is living with her parents, to secure a stipulation of the parties to a continuance until approximately seven weeks after the baby's birth (since blood tests should not be taken sooner than six weeks after birth), to order blood tests and, if there is a direct conflict in the evidence, a polygraph test. This can be taken at any time.

The polygraph tests in paternity cases have been interesting and illuminating. In the majority of the cases the matter is settled without any contested trial. A most recent case had a different twist. The alleged father denied everything in court, yet when he took the test, for some reason or other he corroborated every statement of the plaintiff about what had occurred, and when and where. He wound up by saying, "Well, I guess I'm the father."

The real dividend in polygraph cases is that in most instances where the test shows the examinee untruthful and this fact is revealed to him, he then voluntarily admits he was not telling the truth and gives the examiner a true version of what occurred.

In a number of cases the polygraph indicated that the mother was untruthful and in several instances she then admitted that she had not had sexual relations with the alleged father during the period of conception; that she was not sure who the father was but she liked the defendant better than any of the other suspects.

### *How Accurate Is the Polygraph?*

How accurate is the polygraph when properly administered by a competent examiner? Richard O. Arther, nationally known polygraph expert, reports:

> The results of *properly administered* polygraph examinations are very accurate. The latest estimation, based upon a five-year study of those persons tested by the senior author, accords to his polygraph technique an accuracy of over 96 per cent, with a 3 per cent margin of inconclusive (indefinite) determinations, and a 1 per cent margin of maximum possible error.
>
> The actual known error during this same period is less than .0005: that is, one twentieth of one per cent. It is interesting to note that these known errors involved reporting a guilty party to be innocent.[6]

In over two years of using the polygraph in domestic relations cases I have not received a single complaint, oral or written, from lawyers or their clients who have used this procedure in their cases. It can be safely said that the legal profession in Los Angeles County is the most ardent supporter of its continued and expanded use in civil cases. The only dissatisfied attorney was the one whose client

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4. SCHATKIN, DISPUTED PATERNITY PROCEEDINGS 163 (3d ed. 1953).
5. *Blood Grouping Tests in Uncontested Paternity Cases*, 2 J. FOREN. SCI. 4, 469, 471 (1957).
6. ARTHER & CAPUTO, INTERROGATION FOR INVESTIGATORS 214 (1959).

refused to take the test by saying she admitted everything. Naturally he was chagrined, but his discomfiture was no reflection on the efficacy of the procedure.

We are now preparing a list of qualified examiners in Southern California who will conduct examinations for the court for the nominal fees of $50 per person, $75 for two, $100 for three.

Why has the Los Angeles experiment with the polygraph in civil cases been so successful? The answer is that we have had a dual procedure, which is essential if accuracy and truth are to be ascertained—an adequate instrument and a competent examiner.

However, this invaluable judicial aid will never become widely utilized until federal and state laws provide for proper licensing requirements for examiners and make it unlawful for any unlicensed person to operate. When that time comes, polygraphy will become a respected profession and its scientific work a constructive contribution to the administration of justice.

December 30, 1975

Honorable Douglas E. Moore
The District Building
Washington, D.C. 20004

Dear Doug:

Tina and I regret we were unable to attend the reception given in your honor on December 5th. Please add our congratulations to the many you have received.

Sincerely,

Julius W. Hobson
Councilman at Large

Misc. 5

Mail Routing Slip

Date: _____

To: Councilmember Julius Hobson

Comments: No

)

Pat Miner:

Lou Aronica:

Sandy Brown:

Lorraine McCottry report

You are cordially invited

to a

Reception for

Councilman Douglas E. Moore

Friday, December fifth

Six o'clock to Eight o'clock

at the

Museum of African Art

Frederick Douglass Institute

316-318 A Street, N.E. Donation: $10.00

COUNCILMAN JULIUS HOBSON, SR.

This is complimentary

January 12, 1976

Mrs. Virginia Morris, President
D.C. Board of Education
12th Floor- The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mrs. Morris:

On Friday, January 23, 1976, the Committee on Education, Recreation and Youth Affairs will be conducting a public hearing on the Fiscal Year 1977 Budget for the District of Columbia Public Schools, the Board of Higher Education, D.C. Teachers College, Washington Technical Institute, and Federal City College.

I plan to receive testimony on the D.C. Public Schools' budget beginning promptly at 9:30 a.m. in the Council Chambers. At that time, I anticipate that you or your designee will make a statement on behalf of the Board of Education.

Mrs. Lorraine McCottry will be contacting you to verify the time of your testimony.

Sincerely,

JULIUS W. HOBSON
Chairman
Committee on Education, Recreation & Youth Affairs

Enclosure -

February 4, 1976

Mrs. Gwendolyn C. Moore, President
Gamma Chapter, Iota Phi Lambda Sorority, Inc.
6514 Fifth Street, N.W.
Washington, D.C. 20012

Dear Mrs. Moore:

I am sorry I will not be able to attend the Iota Phi Lambda Sorority, Inc.,'s Negro History Week Bicentennial Luncheon on Sunday, February 15, 1976. Please convey my congratulations to the honorees for their fine achievements in their chosen professions.

Thank you for the invitation to participate in this event.

Sincerely,

Julius W. Hobson, Councilman at Large

# Iota Phi Lambda Sorority, Inc.

## GAMMA CHAPTER

*cordially invites you to attend its*

*NEGRO HISTORY WEEK BICENTENNIAL LUNCHEON*

*Sunday, February 15, 1976*
*1:30 p.m. at the*
*Nineteenth Street Baptist Church on 16th Street*
*4606 Sixteenth Street, N.W.*
*Washington, D. C. 20011*

*(Gamma Chapter guests are cordially invited to attend morning worship services at 11:00 a.m.)*

*1976 Distinguished Achievement Awards Honorees*

*Associate Professor KATHERINE W. COLE*
*Bowie State College*

*Chairperson, AUDREY COLUM*
*National Women's Political Caucus*

*Executive TV Producer PEGGY A. COOPER, Esq.*
*founder of D.C.'s performing arts high school*

*R.S.V.P. by February 5, 1976*
*Card Enclosed*

*(202) 565-0918* — *Gwendolyn C. Moore, President*
*(202) 833-1226* — *Barbara J. Howard, Luncheon Chairman*
*(202) 882-7524* — *Bernice W. Hooker, Co-Chairman*

RECEIVED

JAN 20 1976

Julius Hobson, Sr.
Councilmember-At-Large

## GAMMA CHAPTER
## IOTA PHI LAMBDA SORORITY, INC.

SUNDAY, FEBRUARY 15, 1976

Enclosed is $ _____ for _____ Luncheon ticket(s).
Donation $7.00 each

Please reserve _____ table(s) seating 10 – R.S.V.P.
February 5, 1976

Please mail ticket(s) to the following address:

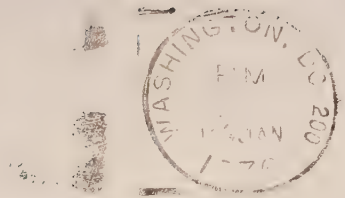
Name _____

Street _____

City _____ State _____ Zip _____

Make checks payable to: Gamma Chapter, Iota Phi Lambda Sorority Luncheon
Proceeds to benefit Gamma Chapter Scholarship Fund.

GAMMA CHAPTER,
IOTA PHI LAMBDA SORORITY, INC.
6514 FIFTH STREET, N.W.
WASHINGTON, D.C. 20012



The Honorable Julius W. Hobson Sr.
Councilman of the District of Columbia
District Building
14th & E sts., N.W.
Washington, D.C. 20004

6514 FIFTH STREET, N.W.
WASHINGTON, D.C. 20011

February 9, 1976

Mr. Carter McFarland
International Center for Social
Gerontology, Inc.
Suite 350
425 13th Street, N.W.
Washington, D.C. 20004

Dear Carter:

Enclosed is a status report from the Office of Consumer Affairs conerning your complaint about the "Electronics Corner."

I will keep you abreast as I receive further information on your case.

Sincerely,

Julius W. Hobson

Enclosure

Mr. Carles McFarland
International Center for Social Gerontology Inc
Suite 384
~~1346 Conn Ave NW~~ 425 - 13th St NW
Washington, D.C. 20004
Dear Carles

Enclosed is a statement sent on your behalf from the Office of Consumer Affairs concerning your complaint about Mr. F Cadenus Corner.

You will soon be informed as to any further information on your case.

Sincerely

John

February 12, 1976

Ms. Nancy McDonald
Rape Crisis Center
Post Office Box 21005
Washington, D.C. 20009

Dear Ms. McDonald:

As you know, Councilmember Hobson introduced "The Prior Sexual Conduct Evidence Act of 1975" on December 2, 1975. This bill was referred to the Committee on Judiciary and Criminal Procedures. If the Rape Crisis Center would like to offer comments concerning this legislation, it would be most appreciated.

Sincerely,

Paul Sanders Brown
Executive Assistant

Enclosure:

A copy of the legislation.

Ms. Nancy M. Reinick
Rape Crisis Center
Box 21005
DC 20009

Dear Nancy,

As you know, Councilmember Nelson introduced the Rape Sexual Conduct Evidence Act of 1975" on December 2, 1975. This bill was referred to the Committee on Judiciary and Criminal Procedure. [illegible] If the Rape Crisis Center would like to offer comments concerning this legislation, it would be most appreciated.

Sincerely,

*From the Desk of*

DAVID A. CLARKE

February 20, 1976

Mr. Joseph P. Murphy
Acting Assistant Director
Department of Motor Vehicles
Municipal Center - Room 1018
400 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Murphy:

I am writing on behalf of a constituent, Mr. John H. Grimes, of 613 5th Street, N.E. According to Mr. Grimes, he was arrested on October 26, 1975 and charged with disorderly conduct, running a stop sign and driving while under the influence of alcohol. He further stated that the case was dismissed because the original papers involving the matter and the prosecuting attorney could not be located.

Mr. Grimes, also, informed us that when his case came up for trial it was dismissed. However, he received notice that his driver's permit was revoked several days later, effective January 7, 1976. Mr. Grimes alleged that his driver's permit was revoked without due process and that his driver's permit is essential to his employment.

I would like to have some background information including a brief summary, on the problem by March 9, 1976. In your summary please discuss what actions you have taken and what further steps you plan to take.

I look forward to hearing from you and thank you for your cooperation.

Sincerely,

Julius W. Hobson
Councilman at Large

February 23, 1976

Mr. Sidney Michelson
Chairman of the Board
Park and Shop
666 11th Street, Northwest
Suite 515
Washington, D.C. 20001

Dear Mr. Michelson:

Thank you for your communication concerning potential new taxes for the District.

I appreciate your interest in the affairs of the city. I will certainly keep your views in mind when the Council considers this issue.

Sincerely,

Julius W. Hobson
Councilman at Large

PARK AND SHOP INC

February 3, 1976

Councilmember Julius W. Hobson, Sr.
The City Council
The District Building
Washington, D. C. 20004

Dear Mr. Hobson:

We were unable to attend the January 30th discussions on potential new taxes, one of which is a dramatic increase in the parking sales tax. We object strongly to your consideration of such a harmful measure.

In December of 1975, for the first time in our city's history, an 8% tax on commercial parking was imposed. Park and Shop stamp usage reflects customer activity in terms of numbers of transactions. In that month our stamp usage was negatively affected by over 22%, despite a continued stability in the number of Park and Shop member merchants. This means fewer customers came downtown to use our system!

We have consistently pointed out that this form of taxation is negative. It places a burden on the root sources of downtown retail volume. This retail volume supports all the taxes that businessmen pay. Business and real estate taxes provide the foundation of our city's tax base. Negative taxes erode...they do not expand...a tax base. Other municipal examples around the country demonstrate how, once begun, such erosion is unstoppable.

We simply cannot continue to alienate those suburban shoppers who still come into downtown Washington. They buy goods and pay sales taxes on what they buy.

We cannot continue to burden the middle income managers and professionals and their staff personnel who commute. Their functions are too important and the retail dollars they spend in mid-day are crucial volume to most merchants.

Further, we must discard the attitude that commercial parking is some sort of "monster". The parking industry in Washington is a legitimate retail function which provides a vital service within the total spectrum of business activity in our city. Constant cost pressures on this industry combined with negative burdens such as sales taxes which cause decreased volume will cause losses to them with consequent tax losses to our city.

What we need is a purposeful, positive effort by our city government to attract new business and new customers ...both of which pay taxes. What we need is more of everything...including commuters...because they generate tax income too!

The present parking tax and the idea of an increase is negative. The only good "negative" tax we know of is that which may be placed on sin and evil. There's enough of that in our town to produce ample incidental revenue in order to obviate the necessity to consider taxes which are negative to the fiscal well being of our government, business community and our general public.

Sincerely,

Sidney Mickelson
Chairman of the Board

cc: Executive Board
All Members

February 23, 1976

Mr. Stan Mires
1717 Swann Street, N.W.
Washington, D.C. 20009

Dear Mr. Mires:

Thank you for your communication concerning legislation currently pending before the Council of the District of Columbia.

I appreciate your interest in the affairs of the city. I will certainly keep your views in mind when the Council considers this issue.

Sincerely,

Julius W. Hobson
Councilman at Large

1717 Swann N.W.
Washington, D.C.
Feb. 5, 1976

Dear Mr. Hobson,

This letter is to state my opposition to bills 1-195 and 1-203, which are aimed at banning massage parlors. Coming after a long period of benign indifference to the massage business in D.C., these bills are a blatant attempt to restrict civil liberties in the guise of "regulation." Indeed, the arguments for these bills reported in the press leave the distinct impression that they are no less than an attempt to impose "morality" by legislative fiat - to bring into line those citizens who do not accept the moral precepts of the CCBD or any other particular groups.

As a former fundamentalist, I can appreciate the distress experienced by some sincere people at the prospect of massagers and massagees having a good time. I am also quite happy that my former attitudes were not enacted into prohibitory statutes, so that I had a chance to change my attitudes and lead a more enjoyable life. Perhaps if the members of the CCBD loosen up a bit, they will feel the same in a few years. - -

At any rate, I urge you to oppose these two bills. They would extend the nose of the government into an area which is none of its affair.

Sincerely,

Stan Mires

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

JULIUS W. HOBSON
Councilman at Large

March 2, 1976

Mr. William McKinney
Director
Department of Environmental Services
Room 309 - The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

Dear Mr. McKinney:

At its meeting on December 11, 1975, the Budget Committee voted to defer any decision on the proposed resource recovery system for 120 days (ending April 9, 1976) pending receipt of further information. During that time the Committee directed your department to:

1. Make itself available to firms who privately finance the design and construction of resource recovery systems.

2. Confer with the other Northern Virginia jurisdictions who would use the proposed resource recovery facility about sharing the initial financing of the project.

3. Secure a firmer commitment from PEPCO to buy and use the refuse derived fuel which the facility would produce.

In light of these directives and since this information is due April 9th, I would like to know what steps your department has thus far taken in carrying them out. Specifically, which firms have you contacted with regard to privately financing the design and construction of a resource recovery system?

I would greatly appreciate a brief report on your actions in this area by March 17, 1976.

Thank you for your cooperation.

Sincerely,

Julius W. Hobson
Councilman at Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

JULIUS W. HOBSON
Councilman at Large

March 2, 1976

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Director
Department of Environmental Services
Room 309 - The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

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I would greatly appreciate a brief report on your actions in this area by March 17, 1976.

Thank you for your cooperation.

Sincerely,

Julius W. Hobson
Councilman at Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

JULIUS W. HOBSON
Councilman at Large

March 2, 1976

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Director
Department of Environmental Services
Room 309 - The Presidential Building
415 12th Street, N.W.
Washington, D.C. 20004

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In light of these directives and since this information is due April 9th, I would like to know what steps your department has thus far taken in carrying them out. Specifically, which firms have you contacted with regard to privately financing the design and construction of a resource recovery system?

I would greatly appreciate a brief report on your actions in this area by March 17, 1976.

Thank you for your cooperation.

Sincerely,

Julius W. Hobson
Councilman at Large

March 25, 1976

Mr. Joseph P. Murphy
Director
Department of Motor Vehicles
Room 1018 Municipal Center
400 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Mprphy:

I am writing on behalf of a constituent, Mr. Donald E. Brown, Sr. of 1510 First Street, S.W. According to Mr. Brown, he was involved in an accident at the corner of Warner and Lamont Streets, N.W. on September 21, 1975 and subsequently charged with failing to yield the right of way and driving while under the influence of alcohol.

When his case came up for trial on December 9, 1975 Mr. Brown was found "not guilty" of the charges listed in the first paragraph. However, On March 22, 1976 Mr. Brown received a form letter from Mr. Daniel B. Garrett, Jr. Acting Chief, Permit Control Division, requesting that he report to the 1905 E Street, N.W. Admission Office for alcohol consulting. Because he was found not guilty of driving while intoxicated Mr. Brown believes he should not be required to attend alcohol counseling sessions twice a week for six weeks in order to obtain his driver's permit.

I would like to have some background information, including a brief summary, on the problem by April 12, 1976. In your summary please discuss what actions you have taken and what further steps you plan to take.

I look forward to hearing from you and thank you for your cooperation.

Sincerely,

Julius W. Hobson
Councilman-at-Large

Enclosure

March 30, 1976

Mr. Peter Miller
President PVAAU
7847 Enola Street
McLean, Virginia 22101

Dear Mr. Miller:

I sincerely regret I will be unable to attend the boxing tournament at Georgetown University during April. I sincerely hope that your boxers will be winners and go on to the Olympic Trials.

Sincerely,

Julius W. Hobson
Councilman at Large

Mail Routing Slip

Date: 3/28

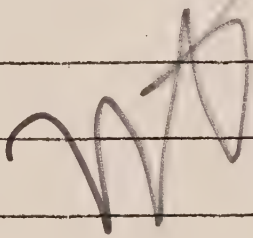
To: Council member Julius Hobson

Comments:

Pat Miner:

Lou Aronica:

Sandy Brown:



Lorraine McCottry:

Alice Blue:

# POTOMAC VALLEY ASSOCIATION

OF AMATEUR ATHLETIC UNION, U.S.A.

591-2195

**OFFICERS**
*President*
PETER J. MILLER
7847 Enola Street, McLean, Va. 22101
*President Elect*
MRS. PEARLIE McDANIEL
3237 Walnut St., Wash., D.C. 20018
*Vice President—Jr. Olympics*
CAPT. JOSIA HENSON
3468 Mildred Dr., Falls Church, Va. 22042
*Vice President*
COL. CHARLES FISHER
3714 N. 23rd St., Arlington, Va. 22207
*Secretary*
DR. A NEAL SHEDD
9306 Convento Terr., Fairfax, Va. 22030
*Treasurer*
DICK SMITH
P. O. Box 455, Fairfax, Va. 22030
**REGISTRATION CHAIRMAN**
MRS. JERI KLINE
5612 Jordan Rd., Wash. D.C. 20018
*Registration Comm., Secy.*
MRS. DELLA PATTERSON
3222 Frankford St., Wash., D.C. 20020
**SPORTS CHAIRMEN**
*Basketball—Men*
JOE BONZANO
5917 Amelia St., Springfield, Va. 22150
*Boxing*
JIM EVANS
9119 7th St., Lanham, Md. 20801
*Diving*
PHILLIP RADABAUGH
19011 Canadian Court, Gaithersburg, Md. 20760
*Gymnastics*
GREG WEISS
1805 Gamewell Rd., Silver Spring, Md. 20904
*Judo*
RAY VAUGHN
10505 Huntley Ave., Silver Spring, Md. 20902
*L/D Running*
JEFF DARMAN
2737 Devonshire Pl., N.W., Wash., D.C. 20036
*Race Walking*
SAI CORROLLO
19031 Capehart Dr., Gaithersburg, Md. 20760
*Swimming*
BERNARD RACHNER
1313 Titania Lane, McLean, Va. 22101
*Synchronized Swimming*
VERNON L. EYTCHISON
6307 Tulsa Lane, Bethesda, Md. 20034
*Tae-Kwon-Do*
DONG JA YANG
10 Treadway Ct. Brookeville, Md. 20729
*Track & Field—Men*
ART MILES
910 N. Belgrade Rd., Silver Spring, Md. 20902
*Track & Field—Women*
ADRIAN E. DIXON
429 Oglethorpe St., N.W., Wash., D.C. 20011
*Masters Track & Field*
ED BARRON
6094 No. 9th Rd., Arlington, Va. 22205
*Volleyball*
JOE SHARPLESS
8754 Oxwell Lane, Laurel, Md. 20810
*Water Polo*
ROGER WILLIAMS
5 Charles Circle S.W., Vienna, Va. 22180
*Weightlifting*
LES DUVALL
1802 Thomas Rd., S.E., Wash., D.C. 20022
*Freestyle Wrestling*
FRED RUFFING
5013 Lincoln Ave., Alexandria, Va. 22312
*Greco Roman*
JOSIA HENSON
*Sambo*
JOSIA HENSON
3468 Mildred Dr., Falls Church, Va. 22042
*Law & Legislation*
DICK KLINE
5612 Jordan Lane, Wash., D.C. 20016
*Jr. Olympics—General Chairman*
JOSIA HENSON
3468 Mildred Dr., Falls Church, Va. 22042
*Assistant Chairman*
ELIZABETH SHEDD
9306 Convento Terr., Fairfax, Va. 22030

Dear Councilman Julius Hobson

The PVAAU is holding their annual championship at Georgetown University in McDonough Gym on April 3,10 and 17th.

We are proud to be able to hold this tournament in the District of Columbia for the second straight year.

This year being the Olympic year marks this tournament as an important one. The winners will go on to the Nationals and if successful there will then go to the Olympic Trials.

If your schedule permits, we would be honored if you could be in attendance at any of the scheduled fight nights. We, in this area are lucky to have some of the best amateur boxers in the country. Most of these fighters will be competing in this tournament.

Please notify me at 591-2195 of your availability of attending the boxing tournament at Georgetown University.

Sincerely yours

Peter Miller
President
PVAAU

May 24, 1976

Mrs. Louise Martin
President
Brentwood Community Association
1340 Downing Street, N.E.
Washington, D.C. 20018

Dear Mrs. Martin:

I join you and the citizens of the Brentwood Community Association and citizens of the District of Columbia in your concern about the extent of violent crime in the city.

The members of the Council are fully aware of the urgent need for solution to the problem of serious crime in the District and are giving the need for law reforms the same priority as it is giving to budget and revenue for the city.

Sincerely,

Julius W. Hobson
Councilman at Large

BRENTWOOD COMMUNITY ASSOCIATION
WASHINGTON, D.C. 20018

7 May 1976

RECEIVED
MAY 17 1976
Julius Hobson, Sr.
Councilmember-At-Large

The Honorable Julius W. Hobson
At-Large Member, D. C. City Council
District Building, Room 509
14th & E Street, N. W.
Washington, D. C. 20004

Dear Sir;

We the undersigned citizens of the Brentwood Community Association and citizens of the District of Columbia wish to re-emphasize to you, our leaders, both elected and appointed, that we are most disturbed and outraged at the startling and sudden increase in violent crimes inside the District's city limits.

Each and everyday, we pick up the newspaper or hear on the radio and television that physical and violent crimes, often fatal, have been perpetrated against one of us. All too often, the innocent victims are young children, older people, and women. Likewise, all too often the offenders are constant repeaters.

Specifically, we have been exposed to the most gruesome crimes in that: an 84 year old woman in northwest was violently beaten to death in broad day light with a bottle; in northeast, men were shot and the bodies hacked to pieces; a 16 year old boy has been brutalized with a sledge hammer in the face and body; and an innocent, 6 year old girl has been brutalized and beaten to death by an accused 15 year old who has an establish pattern of crimes of the most violent nature.

We ask you how long, we the great majority of law-abiding and tax-paying citizens of the Nation's Capitol must continue to be exposed to this element of society, who kill, maim, rob, rape, assault and then after brief court appearances are back in society to do the same thing again.

We know the solution to these problems are not easy, but we expect your immediate attention to these matters, so that law reforms can be studied and enacted.

Sincerely,

Brentwood Community Association
Citizens of the District of Columbia

Enclosure:

Mr. & Mrs. William H. Parker 2250 Adams St. N.E.
Mrs. Mrs. Milton Steed 2252-13th Street N.E.
Mr + Mrs Perry B Johnson 2221-13 St, NE. 20018
Mr and Mrs. Ernest C. Green 2247-13th St. N.E.
Mrs. Elizabeth Bailey 2256-13th St. N.E.
Mr + Mrs. James L. Price 2209-13th St. N.E.
Dr. Joseph H. Harrod
Ernest C. Green 2247-13th St. N.E.

Mr. and Mrs. Wilbert A. Garner - 2206-13th St. N.E.
Jonas Solomon 1346 Lawrence St NE.
Winfield Lawrence 1345 - 4th St NE
Ruth J. Nelson 2249 13th St NE
James W. Hall 1309 Adams St. N.E.
Enid L. Shubal 1279 4th St NW
Dibogi x (Addai) [redacted] 1519 4th St. N.W.
James M. Webster 2233-13th St. N.E.
Miss Marie Swann 1345 W St. N.E.
Miss. Catherine Shorter 1326 W St. N.E.
Miss Vivian Raffin 1300 W St. N.E.
Lawrence E. Lovell 1318 Delaware St.
Preston H. Hall - 3011-20th St. N.E. 20018
Travis Bernice 1308 Saratoga Ave NE 20018
Rosita A. Miles 1308 W St. N.E. 20018
Leo F. Miles 1308 W St. N.E. 20018
Vernice L. Carney 1345 W St NE
Evelyn E. Bell - 2354-13th Pl. N.E. 20018

Mr. & Mrs Roswell Hagg
Irene H. Smith 1336 Downing St. N.E.
Publishing House
1309 Adams St. N.E.
Grace Hospital
Louise B. Martin 1340 Downing St. N.E.
Amanda Harris 53 Rigg Pl. N.E.
Wanda J. Prince 1307 Jackson Street, N.E.
Julia M. Puffin 1300 W st NE
Anna S Saunders 1338 Downing St, NE

Mrs. Regia M. Person 1302 II St, NE.

Mr. & Mrs. Hal A. Lindsey Jr. 1366 W St NE

Edward L. Wilson Jr. " 1366 W St NE

Vista Covington 1316 W St NE

Mr + Mrs C + C Staley 1314 W St NE

Beirne + Alice Noonan 1310 W St N.E

Mr & Mrs. John Harris 1312 - W - St N. E.

Vara S. Patterson 1316 - W - St N.E.

Warren Noonan 1336 W St. N.E.

Hattie M. Moore — 1338 - W St. N E

Jacqueline Sutton — 1342 W St. NE

Thos. E. Allen — 134 W - St. N.E.

" " " Jr

Mr + Mrs. Walter Porter 1328 W. St. N.E.

Mr. + Mrs Nathaniel Black 1356 - W St. N.E.

Mr. Charles L. Turner 1358 W St, N.E.

Mr & Mrs James F Nile 1316 W St. N.E.

Gordon W. Collins 1368 - W - St N.E.

Mrs Jamie B Greenfield 1342 W St. N.E.

Ollie M. Robinson Jr. 1374 W. St N.E.

Ray [illegible] 1524 W St NE

Hop Schaw 1512 Irving St NE

Charles King 1312 W ST NE

Hilliam E. Jackson 1382 W. St N.E.

[illegible] [illegible] W St NE

Bruce Hunter 1384 W St, N.E.

Raymond Harrison 1382 W St N.E.

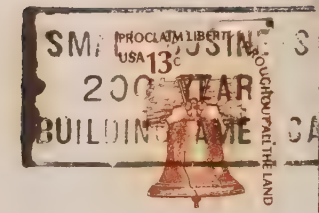
Evora Clinton 1324 W St. N.E.

Ralph S Baker 1301-13 St NE

William R Smith 1328 Downing St NE

Mrs. Louise Martin
Pres., Brentwood Comm. Assoc.

1340 Downing St. N.E.
Washington, D.C.




Councilman, Julius W. Hobson

District Bldg., 14th & E Street, N.W.

Washington, D. C. 20001

July 28, 1976

Mr. Henry Marks
Program Technician
Educational Resource Center
Tulane University, Alcee Fortier Hall, Room 312
New Orleans, Louisiana 70118

Dear Mr. Marks:

Enclosed is a copy of "The Damned Information", as you requested.

Sincerely,

Paul Sanders Brown
Executive Assistant

Enclosure

**Educational Resource Center, Tulane University**

Alcee Fortier Hall, Room 312

New Orleans, Louisiana 70118

Phone: (504) 866-5427

July 20, 1976

Councilman Julius Hobson, Sr.
D.C. City Council
District Bldg.
14th and E. Sts. NW
Washington, D.C. 20004

Dear Councilman:

Please send me a copy or information on how to obtain a copy of "The Damned Information", as it seems I can use it in my work with parent groups.

Thank you.

Yours most truly,

H. J Marks

Henry Marks
Program Technician

HM/ar

RECEIVED

JUL 23 1976

Julius Hobson, Sr.
Councilmember-At-Large

Educational Resource Center, Tulane University

Alcee Fortier Hall, Room 312
New Orleans, Louisiana 70118

NEW ORLEANS, LA 701
PM
21 JUL
1976

PROCLAIM LIBERTY THROUGHOUT ALL THE LAND
USA 13c
SAVE YOUR VISION WEEK

Councilman Julius Hobson, Sr.
D.C. City Council
District Bldg.
14th and E. Sts. NW
Washington, D.C. 20004

October 26, 1976

Ms. Harriet Morris
31 15th Street, N.E.
Washington, D.C. 20002

Dear Ms. Morris:

Thank you for your letter of October 8, 1976 concerning the retention of $623,000 for day care services with the budget of the Departmentoof Human Resources and the continued funding of $700,000 for day care services within the Model Cities Program.

Earlier this month the Committee on Human Resources and the Aging voted to recommend to the Budget Committee and the Council that the $623,000 earmarked for day care services remain in DHR. I intend to support this recommendation in the Council.

In addition the Council voted last June to approve the District of Columbia application for the Federal Community Development Program Assistance Grant which would give to the District approximately $42 million for housing needs. That grant allocates $660,000 for day care services through the Model Neighborhoods Program and would allow the present day care program to continue through the next year.

I appreciate your taking the time to write.

Sincerely,

Julius W. Hobson
Councilman at Large

Answer

31-15th St N.E.
Washington D.C. 20002
October 8, 1976

Dear Councilmember,

I would like for you to consider the following items during your deliberations on the D.C. budget for fiscal year 1978

1- Retain the $623000 that D.H.R. requested to be diverted from day care services. Mr Yeldell made this request in his testimony before the Council Committee On Human Resources and aging.

2- Insure the Continued funding ($700,000) for the model Cities portion of the day care Program. These funds are currently allocated ~~from~~ from the Department of Housing and Community ~~Dev~~ Development.

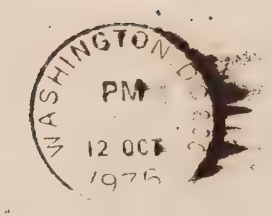
3- The above items provide only for the survival of Present Programs and a Cost of living increase is necessary if we are to continue to provide ~~quality~~ quality Programs for the young Children and their families. Your support in these matters is Vital to thousands of Children and Parents in the District of Columbia.

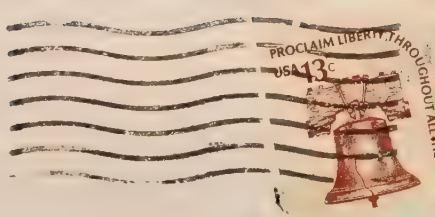
Sincerely

Harriet Morris

(parent)

MRS. BEATRICE MORRIS
31 15th Street N. E.
Washington, D. C. 20002




The Honorable Julius Hobson
Councilman at Large
District Building
14th & E Streets N.W
Washington D.C

January 17, 1977

Mr. M.R. Melzer
Chief, Insurance Division
Veterans Administration Center
Wissahickon Ave., and Manheim Street
Post Office Box 8079½
Philadelphia, Pennsylvania 19101

Reference: 310-297A INS. FILE NO.: V408-67-26

Dear Mr. Melzer:

In reference to your letter concerning the date of birth on my waiver claim I wish to continue the premiums on my Government life insurance based on 5-29-19 as my date of birth. This will not necessitate any changes.

Sincerely,

Julius W. Hobson
901 6th Street, S.W.
Apartment 214 A
Washington, D.C. 20024

Date: 1-5-77

In Reply Refer to: 310-297A

VETERANS ADMINISTRATION
CENTER
Wissahickon Ave. and Manheim St.
P.O. BOX 8079
Philadelphia, PA 19101

JULIUS W. HOBSON
901 6TH ST. SW
APT 214 A
WASHINGTON DC 20024

INS. FILE NO.: V408-67-26

POLICY NO.:

Premiums on your Government life insurance are based on 5-29-19 as your date of birth. Your recent WAIVER CLAIM shows your birth date as 5-29-22. It is necessary that we resolve the discrepancy in the two dates to determine the correct premium.

☒ Since you are paying premiums based on the older age, your premiums remain the same unless you furnish proof, as outlined on the back of this letter, that you are younger. If you furnish acceptable proof that the younger age is correct, we will decrease your premiums to $15.40 and refund the difference in premiums paid.

☐ Since you are paying premiums based on the younger age, it will be necessary to increase your premium to _____ effective _____ unless you furnish proof, as outlined on the back of this letter, that the younger age is correct. If the older age is correct, please send the total amount shown below.

| PREMIUM *(or difference in premium)* | AMOUNT |
|---|---|
| FROM THROUGH | $ |
| DIFFERENCE IN RESERVE FROM THE EFFECTIVE DATE OF POLICY TO DATE PREMIUM INCREASED *(permanent plan only)* | AMOUNT $ |
| TOTAL AMOUNT DUE | $ |

NOTE: If we do not hear from you within 60 days from the date of this letter, we must reduce the face amount of your policy to the amount which your present premium will buy at the older age.

M. R. MELZER
Chief, Insurance Division

FL 29-286
FEB 1972(R)

## TO ESTABLISH CORRECT AGE EVIDENCE IS REQUIRED IN ONE OF THE FOLLOWING FORMS IN THE ORDER OF PREFERENCE AS LISTED

A. A certified copy or abstract of the public record of birth or a certified copy of the church record of baptism, the certification to be made by the custodian of such record.

B. Affidavit of the physician or midwife in attendance at birth.

C. Copy of Bible or other family record certified to by a notary public or other officer with authority to administer oaths for general purposes, who should state in what year the Bible or other book in which the record appears was printed, whether the record bears any erasures or other marks of alteration, and whether from the appearance of the writing he believes the entries to have been made recently or at the time reputed.

D. Affidavit of two or more persons, preferably disinterested, who shall state their ages, showing the name, date, and place of birth of the person whose correct birthday is being established, and that to their knowledge such person is the child of such parents (naming parents), and stating the source of their knowledge.

E. Other evidence which is adequate to establish the facts in issue, including census, original baptismal, hospital, school, employment, immigration or naturalization records, or insurance policies.

(NOTE: Photostat of original documents or of certified copies of records of birth will be accepted if the original would be acceptable. Where a certified copy or abstract of a record of birth is not certified over the signature and official seal of the person having custody of the record, it will be accepted if the person having custody of the record has no official seal and a copy or abstract bears his signature and is either sworn to by him or is on a blank printed especially for that purpose.

Photostat of Certificate of Naturalization or Certificate of Derivative Citizenship should not be made, since reproductions of such documents is prohibited.)

FL 29-286
FEB 1972(R)

January 24, 1977

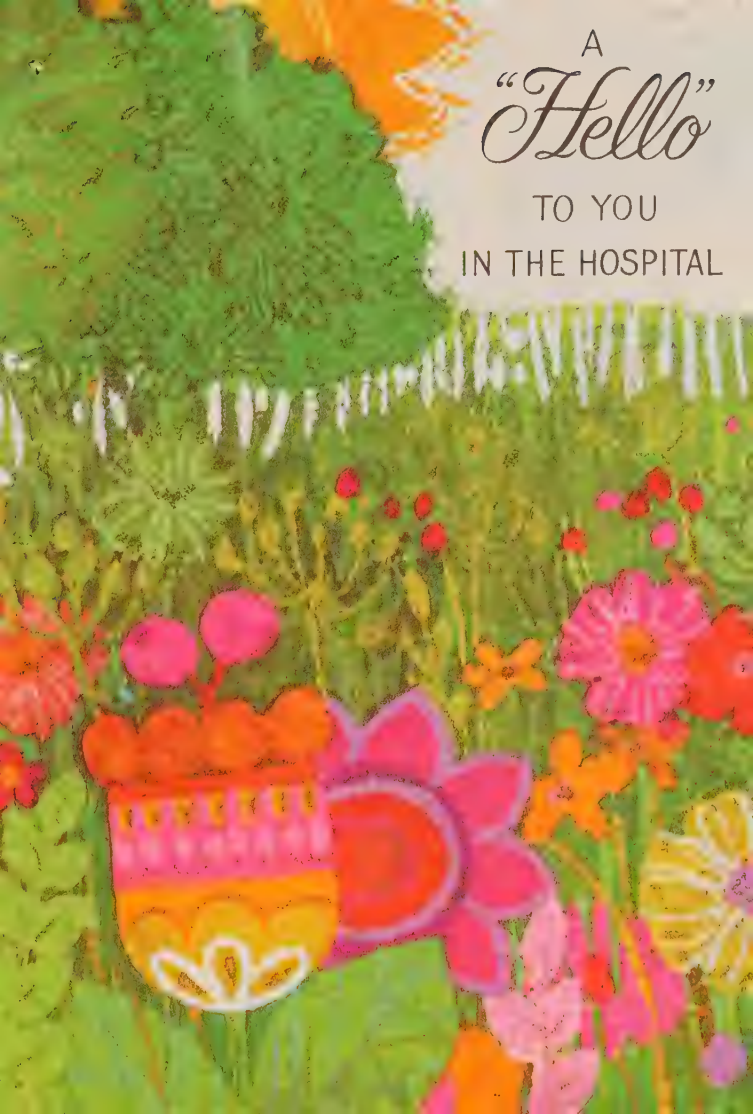
Mrs. Bertha M. Miles
414 Douglas Street, N.E.
Washington, D. C. 20017

Dear Mrs. Miles:

It was good of you to take the time to send me such a pretty card. I was not in the hospital when it arrived I am happy to say.

Sincerely,

Julius W. Hobson
Councilman at Large


A
"Hello"
TO YOU
IN THE HOSPITAL

Have
a good day
today!

*Your room may be cheery,*
*Your nurse may be nice,*
*And you may have*
*a fine doctor, too,*
*But no matter how wonderful*
*Hospitals are*
*They're no place*
*for someone like you...*

HOPE YOU'RE WELL IN A HURRY!

Bertha M. Miles

RECEIVED
JAN 12 1977
Julius Hobson, Sr.
Councilmember-At-Large

F546G4
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Gibson

©

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414 DOUGLAS ST, N.E.
D. C. 20017

COUNCILMEN JULIUS W. HOBSON SR.

DISTRICT BLDG

14th E. ST, N. W.

WASHINGTON, D. C. 20004

RECEIVED

JAN 12 1977

Julius Hobson, Sr.
Councilmember-At-Large

January 31, 1977

Ms. Kathleen A. Milnes
4620 North Park Avenue #205W
Chevy Chase, Maryland 20015

Dear Ms. Milnes:

Thank you for your letter of encouragement. I like hearing from students to whom I have spoken over the years.

Sincerely,

Julius W. Hobson
Councilman at Large

RECEIVED

JAN 10 1977

Julius Hobson, Sr.
Councilmember-At-Large

WASHINGTON DC
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1977

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Kathleen A. Milne's

February 2, 1977

Mr. Leslie B. Milk
Acting Executive Director
1200 15th Street, N.W.
Washington, D.C. 20005

Dear Mr. Milk:

Thank you for sending me a copy of Mainstream, Inc.,'s new brochure. It is most impressive and tells the story of Mainstream's purposes effectively.

Sincerely,

Julius W. Hobson
Councilman at Large

MAINSTREAM, INC.

1200 15th Street, N.W.

Washington, D.C. 20005

202/833-1136

January 26, 1977

The Honorable Julius W. Hobson
D. C. City Council
The District Building
14th & E Streets, N. W.
Washington, D. C. 20004

Dear Councilman Hobson:

Enclosed is a copy of Mainstream, Inc.'s new brochure. This brochure is designed to tell our story to corporate and private foundations and executives in business, education and health.

I am also enclosing an article that appeared recently in The Christian Science Monitor. We thought you might be interested in seeing the kind of coverage Mainstream, Inc. has been receiving in the national press.

I will continue to keep you abreast of our progress in creating opportunities for the 30,000,000 Americans with handicapping conditions. Thank you for your continued support of Mainstream.

Cordially,

Leslie B. Milk
Acting Executive Director

LBM:jf
Enclosures

RECEIVED
JAN 31 1977
Councilmember

# New helping hand for the handicapped

## Legislation, 'rights' movement point to lowered barriers

By Jo Ann Levine
Staff correspondent of The Christian Science Monitor

New York

Handicapped Americans are experiencing a heyday of attention that may help open up schools, jobs, public facilities, and areas of ordinary living that before were closed to them. For example:

• More than 1 million businesses with federal government contracts were required to devise plans this fall for recruiting, training, and removing architectural barriers for the handicapped, under provisions of the U.S. Rehabilitation Act of 1973.

• Increased concern for the plight of the handicapped is surfacing in Washington, with more than 20 pieces of legislation introduced in the last Congress, and the first White House conference on the handicapped scheduled for May, 1977.

• President-Elect Jimmy Carter is committed to reform for the handicapped. In his election campaign he pledged to "seek out and redress discrimination against the handicapped" and to "support legislation to allow workers in sheltered workshops to negotiate wages. . . ." First-Lady-to-be Rosalynn Carter has a major interest in the field of mental health.

• A Washington, D.C., nonprofit organization called Mainstream, Inc., is providing a job-placement service for the handicapped and consultation to help businesses and individuals keep abreast of the new federal requirements as well as other services.

• For the first time, handicapped persons are seeing themselves as consumers – from 28 million to 40 million of them. And as consumers, they are demanding their rights.

Called "the disabled-rights movement," this effort marks a major change for handicapped Americans.

### 'Crumbs' no longer

"Historically, disabled people were to be put away in their corners . . . to be satisfied with the crumbs life gave and not to be the shapers of their own destinies," says Eunice Fiorito, director of the Mayor's Office of the Handicapped here. "But disabled people *can* do and *can* think and *are* responsible."

The disabled-rights movement wants to ensure that people are being included in society on the basis of their ability rather than condemned on their disability. And it is surging along on legislation designed to do just that.

The U.S. Rehabilitation Act of 1973 required businesses having federal government contracts of $2,500 a year or more to devise affirmative-action plans by mid-September. These were to show how the company plans to recruit the handicapped, modify job requirements, train unskilled disabled workers, and remove architectural barriers in the future. The companies had to make the plans available to, but not file them with, the U.S. Department of Labor.

The Department of Health, Education, and Welfare has anti-discrimination guidelines that cover virtually every school, hospital, and landlord that receives federal funds.

Colleges are expected to modify their curriculum and admissions tests for the handicapped. Schools must be made architecturally accessible.

Ten years ago, Dr. Lilly Bruck, director of consumer education at the New York City Department of Consumer Affairs, may have been the first person to combine the words "consumer" and "disabled." Now, with "not a red cent" from the city, she has assembled a $2, 96-page guide for the handicapped, called "Consumer Rights for Disabled Citizens."

Dr. Bruck believes that discrimination is being eliminated in employment, housing, and architecture but that in the marketplace it will stop only if people know their rights and know how to complain effectively.

Her book catalogs federal, state, and city provisions for the handicapped, including transportation, travel, library services, and admission to arts events. She sent questionnaires to banks, department stores, food markets, and airlines. The book lists the firms that answered the questionnaire – and those that did not.

Eunice Fiorito, who can lead a sit-in as well as any civil-rights leader of the 1960s, admits that the disabled-rights movement is behind the times. How else could the following "back-of-the-bus" equivalents exist for the handicapped? ask disabled-rights advocates.

• A blind person cannot sit on a jury, although justice is supposed to be blind.

• Some banks do not allow a blind person to have a safety deposit box without a sighted cosigner.

• Paraplegics often are denied air transportation.

• People who are termed "cured" of some ailment by their doctors are often made to wait five years by their companies before they can return to their jobs so as to see if the disease returns.

• Most department stores do not have dressing rooms accessible to people in wheelchairs.

### Legislation spurred

The disabled-rights movement and a growing awareness of the handicapped are beginning to change all this, however.

Many elected officials are seeing to it that the handicapped are included in legislation. For example, Sen. Jennings Randolph (D) of West Virginia, chairman of a Senate subcommittee on the handicapped, is also chairman of the powerful Public Works Committee, which funded the new Washington, D.C., subway. Senator Randolph made sure before the funds were dispensed that the new subway included elevators, Braille signs, and other provisions that would allow the handicapped to use the trains.

For their part, businesses have responded in a variety of ways to the existing legislation.

The New York Telephone Company, for example, says that in its headquarters on the Avenue of the Americas it has already changed many toilet facilities to make them accessible to persons confined to wheelchairs.

Bill Carmel, corporate manager of equal-opportunity programs at Union Carbide Corporation, said, "One thing we are thinking about is the possibility of utilizing Braille in the elevators so that unsighted people will be able to get to the right floor. . . ."

Cassandra Flipper, corporate manager of equal-opportunity employment programs for Levi Strauss & Co., said, "We have established goals for ourselves: By the end of the year, we will have had an architectural barrier survey in each of our facilities and will have set priorities to provide accessibility" to handicapped persons.

As corporations strive to comply, Mainstream, Inc., is in the forefront of helping them interpret the new government regulations.

"We are trying to make this assimilation process a challenge rather than a chore, an opportunity rather than an obstacle," says Harold E. Krents, Mainstream's legal counsel. "We have to show companies how they can comply without its costing a lot of money. And then, we have to come up with good, qualified people who can do the job for them."

### Hot line available

With its headquarters in Washington, Mainstream is already well known both on Capitol Hill and in the U.S. business community. Its staff of 12 and its adjunct staff of consultants also offer a job placement service, a free newsletter, a report on new and proposed legislation, and a hot line (202-333-1139) that individuals may call to find out how the Rehabilitation Act will affect them.

Many corporations are finding they do need outside help when it comes to the handicapped.

Architects at Kaiser Aluminum & Chemical Corporation, for example, estimated it would cost $160,000 to bring their corporate headquarters into compliance. Mainstream architects, with long experience in barrier removal, surveyed the headquarters and estimated the cost at only $7,800.

"The timing is very much now," said Mr. Krents. "In the last analysis we all have major responsibilities – the government to enforce this thing in an effective way, and the rehabilitation agencies to do an effective job in training [handicapped] people for positions that are out there."

Mainstream's Harold Krents with wife, Kit, and child, Jamie — By Mara Pilatsky

## A 'reject' helps others

An encounter with Harold E. Krents is unforgettable.

Mr. Krents is the exuberant, talented, and witty lawyer who also happens to be the founder and legal counsel for Mainstream, Inc., an organization aimed at moving the handicapped into the mainstream of American life.

As an honors graduate of Harvard University, he was told by the then dean of Harvard Law School, Derek Bok, that he would have no trouble getting a job because Harvard would give him excellent recommendations.

More than 40 law firms rejected Harold Krents.

He is brilliant – but blind, they said of the man who, as a student, had gained public exposure as the model for the play "Butterflies Are Free."

They would add, "I saw you on the Cavett show, and you were hysterical. Have you ever thought of becoming a comedian?"

That's when he put together what discrimination meant: "To be a comedian is not why I had killed myself through three years of law school.

"Eventually after a year and a half I did find a law firm [Surrey, Karasik & Morse in Washington, D.C.]. And I've been with them ever since. But it really drove the point home of the problems that I . . . had run into and what it must be like for the one out of 10 Americans who, according to the U.S. Department of Health, Education, and Welfare, are also disabled enough so that it affects his or her ability to get a job."

Mr. Krents's interest today is to make the point that the handicapped do have a legitimate place in every area of society.

His philosophy: "What a handicapped person is entitled to is a chance to show what he can do. Nothing more."

– J. A. L.

# THE LAW AND THE HANDICAPPED

MAINSTREAM, INC.

## HOW COMPLIANCE WORKS IN EMPLOYMENT EDUCATION AND HEALTH

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The Rehabilitation Act
The Concept of Mainstreaming
Mainstream, Inc.
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MAINSTREAM, INC.

## THE HANDICAPPED IN AMERICA

One man was in a wheelchair, one had a back injury, two had heart conditions. But because they were Roosevelt, Eisenhower, Johnson and Kennedy – and because they developed their disabilities later in life – these men were never called handicapped. They were called "Mr. President."

Twenty five to thirty million Americans are not so lucky. One out of eleven Americans is called "handicapped" as a result of a physical or mental condition which limits some of their activities.

And in the case of the handicapped in America, if you have the name, you are out of the game. Out of jobs, out of schools, out of opportunities which other Americans take for granted.

Just a history of a disability may be enough to deny many individuals opportunities for education or employment. Persons with cancer in remission or epilepsy under medical control, often face the same biases and barriers as those confined to wheelchairs.

It is the biases and the barriers which make us handicapped, say many of the so-called handicapped today. We are people with limitations. But all people are people with limitations. The limitations only become handicaps when the world makes them so.

## THE REHABILITATION ACT

In 1973, landmark legislation was passed by the United States Congress to protect and promote the rights of the disabled. The Rehabilitation Act of 1973 stated that the federal government, all who work under federal contracts, and all who receive federal funds must take positive steps to end discrimination against the handicapped.

Section 503 of the Act specifically requires that any contractor or sub-contractor doing business with the federal government, in excess of $2,500 annually, must have an affirmative action program for the handicapped. On April 16, 1976, the Department of Labor issued final regulations for enforcement which made the message clear. To be in compliance with the law, companies must show concrete efforts to recruit, hire, promote and accommodate the handicapped. Facilities must be made accessible. Personnel systems must be reviewed and revamped, if necessary, to end systemic exclusion of disabled applicants. Recruiting efforts must be undertaken to reach out to handicapped people who have never had the opportunity to get through the personnel office door, let alone into the jobs that lay beyond it.

Section 504 was even broader in scope. The Department of Health, Education, and Welfare estimates that 16,000 school districts, 8,000 colleges and universities, countless hospitals and other institutions will have to conform to the provision, which expressly prohibits discrimination against the disabled by any entity receiving federal assistance.

The Rehabilitation Act defines a handicapped individual as a person with a physical or mental impairment which substantially limits one or more major life activities. A person is also considered handicapped if he or she has a record of such an impairment or is regarded as having such an impairment by the general public.

Some quarreled with the definition of the handicapped; but few questioned the opportunities offered by the legislation. For one out of eleven Americans, the Rehabilitation Act was an open invitation to enter the mainstream of American life.

## THE CONCEPT OF MAINSTREAMING

The response to the legislation was overwhelmingly positive. However, like any new directive, the Act raised as many questions as it answered.

The concept of "mainstreaming" or deliberately seeking the most normal environment for the handicapped to work and learn, was a radical departure from the usual practice. Those responsible for carrying out the legislative mandate were desperately looking for direction.

Responsible business leaders expressed legitimate fears about defining handicapped individuals and weighing affirmative action priorities. The words of the law alone were new–accessibility, accommodation, outreach.

Educators wondered aloud about the integration of children with special needs into classrooms whose teachers have no special training. Again the words "accessibility" and "accommodation" were new additions to the educational lexicon.

Corporations, colleges, educators, health professionals, parents, government officials and the handicapped community each saw the new mandate in a different light.

As discussions increased about the idea of mainstreaming, it became clear that new force was needed to marshall the others if the concept was to succeed. A special force that represented no special interest. A force which bridged the gaps between business and government, between educators and parents, between the handicapped and the general public.

Mainstream Inc. was founded to do just that.

## MAINSTREAM, INC.

Mainstream, Inc. began in July, 1975 as a non-profit, tax-exempt organization whose sole purpose was to assist in the mainstreaming of the handicapped. With a Board of Directors representing industry, labor, health, education and the media, the organization seeks to work with each sector of society affected by the Rehabilitation Act. To make mainstreaming a challenge instead of a chore–an opportunity to tap new talent sources and reach new audiences.

Mainstream, Inc. is based in Washington, D.C. because we maintain a close working relationship with the federal agencies empowered to implement the regulations affecting the assimilation process. But it should be emphasized that Mainstream, Inc. receives no federal funds. Firmly rooted in the private sector, we believe that we serve as a bridge between those who must comply with government regulations and those who enforce them.

Mainstream sees itself as a catalyst for change–in the attitudes of other people about the handicapped and the handicapped about themselves. We take the traditional American concern for disabled individuals and the modern institutional awareness of social responsibility and mold the two into a dynamic new alternative for cooperative action.

To do this takes more than a unique idea. It takes a unique organization. We are small, privately-funded and relatively young. Yet all across the country, businessmen, educators, rehabilitation specialists, employment counselors and handicapped people have embraced this organization and its objectives.

More than half of Mainstream's staff is handicapped. Our staff and consultants come from different backgrounds and are trained in different disciplines. Within our organization itself, the bridges we build–between handicapped and non-handicapped; between public mandates and private –help us to build bigger bridges between the handicapped and the general community.

## COMPLIANCE EDUCATION AND ASSISTANCE

Mainstream, Inc. offers programs to increase public awareness of affirmative action for the handicapped and meet individual organizational needs for compliance assistance.

### Public Education

What reaction can you expect when you say, "Run by my office" to a paraplegic? Or, "Don't have a fit" to an epileptic? These are the kinds of questions which many people are afraid to ask. And the fear alone creates barriers for the handicapped. Mainstream, Inc. is attempting to break down the barriers with an active public education program.

### Multi-Media Programs

We are currently developing multi-media presentations which will help to create a climate of receptivity for handicapped people. Programs for administrators in education, health or business, teachers, parents, handicapped children and their non-handicapped peers will be designed to deal with the real concerns each group feels so that they can be dealt with effectively.

Mainstream also provides practical information for those designated to implement compliance programs. Multi-media programs will soon be in production on the "nuts and bolts" of compliance: interviewing the handicapped; creating accessible environments and other areas of affirmative action.

### Model Projects

The creation and implementation of one demonstration project in each field is evidence of Mainstream's practical approach to affirmative action. The corporate compliance model is now underway with Kaiser Aluminum and Chemical Corporation in Oakland, California. The aim of the project is to prove that compliance can benefit both employer and employee. The Kaiser model includes creation of an accessible environment; recruitment of unqualified handicapped individuals; training for these individuals at a nearby community college and finally placement of the trainees at Kaiser headquarters in jobs specifically earmarked for them. Mainstream provides the expertise in accessibility, recruitment and human relations, to make the project a success. This can then be replicated all over the country.

Mainstream, Inc. is now designing demonstration projects to be undertaken in the health and education fields. In the health field, we hope to demonstrate how hospitals, clinics, satellite facilities and physicians offices can be made physically accessible to the physically handicapped.

In education, we are designing model projects to be undertaken with the metropolitan school system and one university. Each model will demonstrate the concept of mainstreaming as the law mandates it: creating an accessible environment; revising testing, evaluation and curriculum procedures when needed; providing auxiliary aide which work for every student; teaching teachers, students and administrators how to make the most of mainstreaming. An integral part of these projects will be helping educational institutions find the funding they need to make the programs effective.

Once these projects are underway, Mainstream will see that they become part of its total education effort, so that people everywhere can learn from these efforts.

### Compliance Consultation
Services offered below cost to create an effective affirmative action program:

### Accessibility
Mainstream, Inc. experts in accessibility survey facilities to determine the most economic approach to architectural barrier removal. Our goal: the fewest modifications to make facilities accessible to the largest number of handicapped employees, students, patients, customers or clients.

### "In The Mainstream"
Mainstream, Inc. publishes a quarterly newsletter on affirmative action for the handicapped which is offered free of charge. Articles from government agencies enforcing regulations on compliance appear in each issue along with updates on state and federal legislation and reports on other developments in the field.

### Hotline–Call For Compliance
Mainstream's free hotline answers questions on compliance from handicapped individuals and organizations affected by affirmative action regulations. All questions are confidentially referred to officials at HEW or the Department of Labor so they can be answered by experts. The identity of the questioner is always protected by Mainstream.

### Employment Referral Service
Mainstream, Inc. has established a national referral service offered to corporations, health agencies, educational institutions and handicapped individuals.

Our field experts assist management in evaluating rehabilitation, employment and training facilities in both public and private sectors and help meet compliance requirements for recruiting the handicapped.

### Conferences
Mainstream, Inc. offers national and regional conferences to bring together leaders in business, industry, labor, education, health and the handicapped to explain and discuss the federal regulations which mandate the employment, education and participation of the handicapped. These conferences offer the "nuts and bolts" information about compliance: removing physical and social barriers, interviewing disabled applicants, integrating the handicapped into labor unions, recruiting handicapped employees and writing affirmative action plans.

### Job Accommodations
Mainstream, Inc. believes that the way to achieve successful job accommodations is to match a job to an individual–rather than rebuilding the work site around individual limitations. We teach personnel managers to use job analysis to place handicapped individuals in jobs where their abilities count, instead of their disabilities.

### Seminars on Interviewing Techniques and Human Relations Training
The majority of the discrimination complaints occurs as the result of the interviewing process. Mainstream, Inc. offers seminars in interviewing techniques to train personnel people to avoid common pitfalls in the interviewing process. We also offer programs to make organizations comfortable with the concept of mainstreaming.

### Outreach Assistance
Mainstream, Inc. offers consultation in locating sources of handicapped applicants most likely to meet organizational employment needs.

## A QUESTION OF COMMITMENT

The handicapped are ready to be mainstreamed. But is the mainstream ready to accept them?

Mainstream, Inc. is daily increasing this acceptance – but we cannot do it alone. It will take a commitment from business, education, health professionals, labor rehabilitation agencies, and the philanthropic community if mainstreaming is to create a new day for the disabled.

It takes more than a handshake to hire the handicapped. It takes more than good will to open doors to good education. It takes funding for the technical experts to assist organizations in removing the physical and attitudinal barriers which keep the handicapped out of the mainstream. It takes a commitment to find the classroom spaces and the workplaces which handicapped people can fill.

It takes constant reminders of what it is like to be handicapped in America today. Mainstream's legal counsel, Harold Krents, is an attorney with a Washington law firm. Blind since birth, Krents talks frankly about his experiences in a sighted world: "There are those who assume that since I cannot see, I cannot hear. Very often people will converse with me at the top of their lungs. Others know that of course I can hear, but believe I can't talk. When my wife and I go out to dinner, a waiter or waitress will often ask Kit if *he* would like a drink, to which I respond, 'Indeed he would.'"

"In still other cases it is a question not of whether I can communicate, but whether the other person can. For example, when I go to an airport and ask the ticket agent for assistance to the plane, he or she will invariably pick up the phone and whisper to a ground hostess, "Hey, we've got a 76 here." I have concluded that the word *blind* is not used for one of two reasons: fear that if a sighted person says the word *blind* his retina immediately detaches or a reluctance to inform me of my condition in the belief that if nobody mentions it, I may not notice that I cannot see anything."

Harold Krents knows better than anyone else that Mainsteam, Inc. can't do anything to improve his ability to see. But he believes that through its efforts, Mainstream is improving the world's ability to see him as a person. And in the end, that makes all the difference.

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MAINSTREAM, INC.

1200 15th Street, N.W.
Washington, D.C. 20005
202/833-1136

Mail Routing Slip

Date: 2/28

To: Councilmember Julius Hobson

Comments: _____

INSTRUCTIONS TO STAFF:

PAT SANDY DAVID CLEO INTERNS:

LORRAINE (Circle Name)

Lorraine -
Pls write this lovely lady a lovely thank you letter for all the time she and her family took to write - tell her we also think vitamins are important and share her interest!

March 7, 1977

Mrs. Jo Ann V. Myers
1713 4th Street, N.W.
Washington, D.C. 20001

Dear Mrs. Myers:

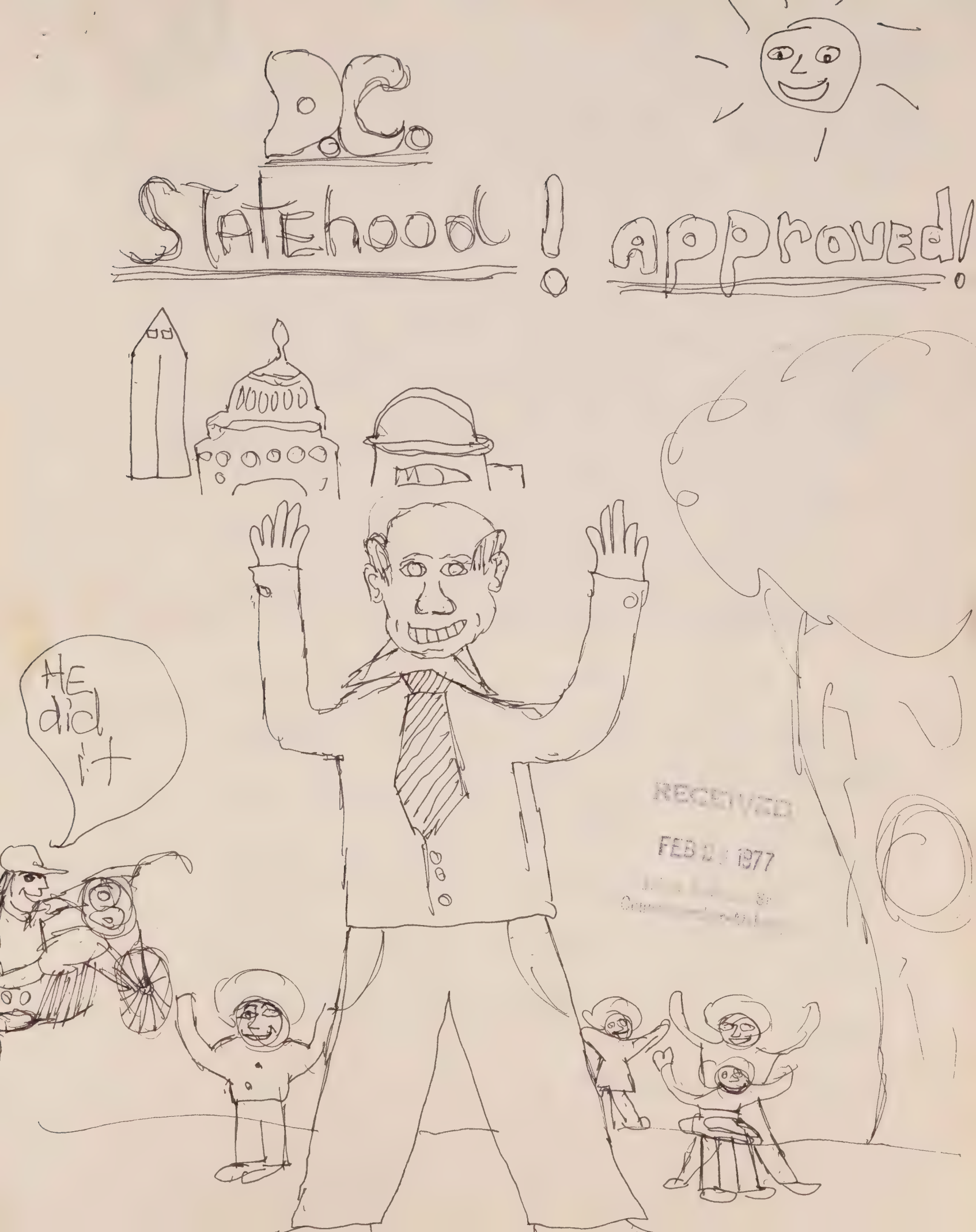
Your very thoughtful letter seems to agree with the idea nutritionists nationally are espousing. Medical scientists and doctors should pav a much closer look at the human diet and consider diets in their prognosis of human ills. Perhaps the proper intake of vitamins will ultimately be the answer.

It was beautiful of you and your family to take the time to write me such an encouraging and informational letter. It was so full of hope and good wishes for my well being and it made me feel very good.

Thank you for your interest and concern.

Sincerely,

Julius W. Hobson
Councilman at Large


D.C.
Statehood ! approved!
He did it
RECEIVED
FEB 2 1977

Mrs. JoAnn V. Myers
1713 4th St. N.W.
Wash. D.C. 20001

Dear Mr. Hobson,

Please take a few minutes to read this letter from a mother of five. Thank You. We are all praying for you.

I read an article not long ago which stated that doctors had given six months to live.

I beg to differ; I believe one lives the length of time deemed necessary for one to finish the tasks that one has to complete. You, I believe, still have a great many projects to complete. You have plans that will benefit humanity and, I, for one, would like to see you enact those plans. I believe you will live if you will employ all natural methods to eliminate

the cancerous cells that are temporarily inhabiting your physical form. I believe, whenever we are ill of body, it serves as a gentle reminder of the Force that gives each and everyone of us the air we breathe and the food we eat. It's almost as if He wants us to say, "alright, I'm placing myself entirely in Your hands and I know I will be healthy again." Maybe, not in those exact words, but, we still should come to that basic conclusion. Sometimes, I believe we are only being tested by The Creator to see if we truly believe in His power to heal us and take care of us all..

I believe you are one of few men who have certain positive, enlightening ideas to put forth, and I believe you will live to see them enacted.

If someone will go to a health food store immediately upon your reading this, please have them buy the following items:

1. "Back to Eden" by Jethro Kloss. This book has descriptive pages citing ways to cure yourself of cancer by employing natural methods ~~(Whole grain foods~~
PLEASE EAT THESE TEAS
2. Red Clover herbal tea
3. Golden Seal herbal tea
4. Ginseng Tea.
5. Vitamins A, C, E.
6. Magnesium

All of the teas I mentioned are especially beneficial to cancer victims. Ginseng tea has been used by the Eastern culture for centuries. They call it the "cure-all"; it's been known to help when nothing else has. The root of the tea is in the shape of a man's body. Please get some and drink it daily.

I also wish you would make an appointment with one of the doctors at the Naturopathic Health Clinic here in D.C.. I believe it is located at 14th + Harvard Sts. N.W. The doctors are medical doctors who have gone a step further and studied ancient Chinese medicinal practices for four or more years. They have been known to cure people of anything from a backache to an earache by employing the ancient methods. They look at a persons illness from all perspectives; ones diet and outlook on life are taken into consideration among other factors so that they will make the proper diagnosis and give the proper treatment. Please, Mr. Hobson give them a try.

We subscribe to Prevention Health magazine. We have read many articles advocating the

use of megavitamins for the treatment of cancer. I have enclosed several articles from Prevention which I do hope you will find time to read. Having read an article on Vitamin A's ability to destroy cancer cells, I told a young woman from Connecticutt about it. Her mother had cancer and was given months to live. The young woman wrote her mother about vitamin A + C and the last time I saw her, she said her mothers malignant cells had regressed so that her mother was coming to Washington to visit. I was so happy & immediately began to tell everyone I knew about Vitamin A. Her mother also said that her doctors were astounded by her improvement.

Please drink only bottled water and use honey in your tea. Please give it a try. I believe you are a fighter and

I know that you will defeat this silent enemy. I only wish I had known about Vitamin A + C when my mother + father were alive; they both died of cancer. I believe cancer is brought about by worrying, Especially, if you worry about the suffering that mankind endures and, if it grates your last nerve to see injustices inflicted ~~all~~ on persons who are powerless to fight back. But, we have to trust in the Creator; He has the Master Plan and He has certain of us in Mind to carry out His plans. I believe He has you in mind Mr. Hobson. I believe He sees you as a wise leader amongst all men. Please, at least try the vitamins and get "Back to Eden".

I know you have the spirit to survive, but, you must cease worrying; you will be healthy again.

We are a happy family of seven. I remember reading an article about you and your family a couple of years ago. You looked happy too.

My mother died when I was nine. Before she died however, she enrolled us in Catholocism classes. We became Catholics and the teachings of the church have helped me in living my daily life. I believe we are all one and our thoughts bring about our actions and I also believe that our thoughts should always be positive. I think, if every man, black or white, would send his fellow man, (be he driving along beside you or walking down the street) positive thoughts of health, wealth, and happiness, we would all soon find peace of mind.

My son, Shaun, who is ten, drew the picture of you standing and smiling victoriously. This is how he says he sees you in his mind; healthy again.

I believe, Mr. Hobson, that you have been blessed with a high level of consciousness and I wish you will get one more book and read it immediately for spiritual enlightedment. The book is called "The Masters and The Path" By C. W. Leadbetter. Mr. C.W. Leadbetter, eminent Seer, writes in this book of the Perfected Men, the Masters, the "Men beyond mankind," whose existence is one of the most important of the many facts which Theosophy puts before us. You must live because you must complete the tasks that are going to greatly benefit humanity. May God Bless You, Mr. Hobson.

Mrs. JoAnn V. Myers

Kasele, our 4 year old, drew this, to say "Get Well Soon"!

(9)

Mrs. Carl E. Myers

P.S. Mr. Hobson,

I don't know if it is important, but, I was born on April 7, 1944 and my 3 daughters are all born on the seventh; Laura's 8, she was born March 7th and my twin girls were born on September 7th, 1972. My mother told me I was born on Good Friday and maybe this explains why I have love in my heart for everyone. Also, my two sons were born on: September 27th (Shaun who's ten), and Christian was born on Mother's day, May 9th 1969. My husband was born on November 21st 1942. He was raised by his grandparents in Annapolis, Maryland. Daily, we teach our children to treat people as they would like to be treated. I wish everyone would follow that rule.

February 10, 1977

Mr. Gerald McCully
President
District of Columbia Metropolitan Area
Transportation Federation
1776 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Mr. McCully:

Thank you for your letter and packet of information concerning right-turn-on-red legislation. As you are aware both Councilmembers John Wilson and Jerry A. Moore introduced separate bills calling for right turn on red which have been referred to the Committee on Transportation and Environmental Affairs.

I will keep your views in mind when the Committee and the full Council consider this issue.

Sincerely,

Julius W. Hobson
Councilman at Large

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

February 14, 1977

Dr. Edward C. Merrill, Jr.
President
Gallaudet College
7th and Florida Avenue, N.E.
Washington, D.C. 20002

Dear Dr. Merrill:

On Monday, January 3, 1977, I introduced the "Practice of Audiology and Speech Pathology Act of 1977" (Bill 2-9, referred to the Committee on Public Service and Consumer Affairs chaired by Councilman John Wilson). The bill would provide a regulatory authority over persons who offer services to people with speech and hearing disabilities.

Because of the interest which you and Gallaudet College have in this area, I have enclosed a copy of the bill and a background statement for your information. I would welcome any comments and suggestions that you may have on this legislation. Public hearings are scheduled for Wednesday, March 16, 1977 in the District Building. I hope you will be able to testify.

Please do not hesitate to contact my office at 724-8072 if you have any questions.

Sincerely,

Julius W. Hobson

Julius W. Hobson
Councilman at-Large

Enclosures

**Cancer specialists now believe they understand why this vitamin can improve a patient's chances—and they are determined to see if it really works.**

# Vitamin C and Cancer—A Closer Look

THE DIAGNOSIS: cancer—normal cells gone berserk, dividing, growing, infesting the body with malignancy. What are a doctor's options when this dread disease occurs? What can a physician do to arrest, or perhaps even cure, cancer?

In the medical world of today there are, basically, three different cancer treatments: irradiation, chemotherapy and surgery. Unfortunately, using these weapons to battle cancer is like fighting fire with fire; the treatments themselves are severe biological stresses.

In irradiation, the cancer patient is exposed to x-rays or to the radiant energy of radioactive metals, such as radium or cobalt 60, the purpose being to selectively slay the rebel cells without doing too much harm to the rest of the body.

In chemotherapy, powerful toxic chemicals, some of them derivatives of the mustard gases of World War I, poison the cancer cells—hopefully without damaging normal cells.

In surgery, cancerous tissue is directly removed—with no certainty, however, of total remission.

Yet there is new hope for the seared, sliced and drugged human body desperately resisting cancer's onslaught.

A nontoxic and natural therapy has been developed that may be of particular value for the cancer patient undergoing surgery. And this therapy may help insure that when people win a battle against cancer, they've also won the war—that when cancer is cut out of the body, it stays out of the body.

What is this new boon to conventional cancer treatment?

Vitamin C.

nurse practitioners scored better than a group of doctors in relieving the symptoms of low back pain.

Of a total of 419 patients who were treated at the Inglewood, California, clinic of the Permanente Medical Group, 222 were assigned to a group of nurses, while 197 patients were randomly assigned to one of 32 physicians between July, 1973, and May, 1974.

When the results of the study were completed, 73 percent of those patients who had been handled by the nurses' group (under the overall supervision of a doctor) reported that their symptoms had either left them completely or were "definitely improved" approximately four weeks after they had been treated. This compared with only 68.5 percent of those who had been seen by doctors and subsequently been sent home for prescribed self-treatment.

"We're really not sure why we got the results we did," said Hjalmar Anderson, M.D., one of the physicians with the Permanente Group who participated in the study. "There might be two answers. One is that the nurses were very interested in the problem because they were handling it. It was not just another backache.

"Secondly, they were very compulsive about the work-up. I think that by the time the patient was finished, he felt confident that he'd been treated properly."

In practice, when someone came into the clinic with a back pain, he was randomly assigned to either a doctor or a nurse. The nurse, who had special training, interviewed the patient using a form or "protocol" designed to get answers to key questions.

If, on the basis of questioning and examination, the patient's condition was considered serious, the patient was assigned to a doctor. On the other hand, if the nurse could diagnose the problem by using the protocol, the patient was sent home with instructions for self-treatment and told to come back in three weeks. Patients with uncomplicated back problems who saw doctors were told the same thing.

"We've had no adverse comments from others," Dr. Anderson said. "There have been some comments about the design of the study and about the sample size. But there have been no questions about the intent of the study."

The intent is to learn how to make better use of nurses and physicians' assistants, something the clinic has already done. Dr. Anderson told PREVENTION that the clinic has used a number of protocols to handle a variety of problems ranging from respiratory and urinary infections to vaginitis and headaches.

"I'd say about 70 percent of our patients with acute problems can be handled by protocols," he said.

The reaction of the patients has been good. Dr. Anderson said that patients sometimes express doubt when asked whether or not they would like to be handled by a nurse, but once the examination is completed, the reaction is "overwhelmingly positive."

And so, we believe, is the future of women in health care, at all levels of the profession. □

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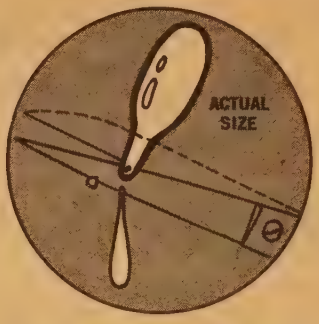


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(3)

### A Cancer Surgeon's Optimism

That secondary cancer growths in surgical patients might be stymied by vitamin C was revealed to PREVENTION by Robert Yonemoto, M.D., a surgeon and director of the surgical laboratories at the City of Hope National Medical Center, a hospital in Duarte, California, devoted primarily to the treatment of malignant diseases.

Dr. Yonemoto explained how the very surgery whose purpose is to *remove* a tumor may *cause* a tumor to reappear—and how vitamin C acts directly and decisively to eliminate this peril.

"The dangerous phase is during and immediately after surgery. At this time, the immune system is markedly depressed. If one can boost the immunity, then those cancer cells which are disseminated during surgery, those tumor cells which are released into the bloodstream during the removal of the tumor itself, will have less of a chance to take.

"If the patient is immunologically depleted [e.g., his resistance is wiped out] there is a good chance the tumorous cells will take. To prevent this, an immune-strengthening regimen should be established around the time before and immediately after surgical intervention of cancer," Dr. Yonemoto says.

What should be at the core of this regimen?

"Vitamin C increases the general immunity of the individual, so we should be able to demonstrate that it is good for the cancer patient and that its intake should precede and immediately follow cancer surgery."

What Dr. Yonemoto and his colleagues Drs. Chretien and Fehniger of the National Cancer Institute have already demonstrated (in healthy volunteer subjects, not in cancer patients) is that vitamin C increases "lymphocyte blastogenesis" when blood is "invaded" by a test chemical known as PHA. And a high level of lymphocyte blastogenesis indicates that the immune system—the body's protective armor against infection—is strong.

### Why Lymphocytes Are Critical to Recovery

The lymphocyte, a white blood cell, is a cellular cannibal, rapaciously gobbling up—and thereby destroying—any foreign material in the body. Lymphocytes are chiefly manufactured in the lymph nodes (or lymph glands). When your body fights an infection, these glands produce more lymphocytes and expand, causing "swollen glands." There are more than 100 lymph nodes scattered throughout the body's immune system.

Lymphocytes multiply by division: a single cell splits and is then two cells, two cells split and are then four cells—ad infinitum. Before the lymphocyte divides, it becomes large and juicy. In this state it is said to have undergone blastogenesis.

To test the actual level of lymphocyte blastogenesis, lymphocytes are stimulated by a chemical.

If the lymphocytes are healthy—that is, if they will be effective in devouring germs—the chemical will cause them to divide and, before divi-

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sion, undergo blastogenesis.

Dr. Yonemoto explained how this test procedure can, with some accuracy, prophesy either a dismal—or a hopeful—future for the cancer patient undergoing surgery.

"It has been shown that lymphocytes from cancer patients, especially those patients with very advanced cancers, will not react to mitogens [a challenge such as from the test chemical]. Generally there is either no reaction or a very low reaction. The level of reactivity generally correlates with the status of cancer."

It is a logical assumption, then, that anything that would *increase* lymphocyte blastogenesis *might* decrease the severity of advanced cancer. This, however, is unproven.

But it is quite obvious—to Dr. Yonemoto and to us—that anything that would strengthen the immune system of a patient undergoing surgery for cancer must be invaluable: for, as Dr. Yonemoto has so lucidly pointed out, a strong immune system helps insure recovery following surgery.

### High Vitamin Doses Tested for Test-Tube Effects

In Dr. Yonemoto's study, five healthy volunteers between the ages of 18 and 30 were given five grams (5,000 mg.) of vitamin C (ascorbic acid) daily for three days.

On the day before the volunteers began taking vitamin C and on days four, seven, 11, 14 and 18 of the test, blood samples were taken and lymphocyte blastogenesis was measured in test tubes.

*All five* of the volunteers showed a statistically significant increase in blastogenesis between days four and 11. This was followed by a gradual return to the pre-test level of blastogenesis by day 18.

Also, when the vitamin C intake was increased to 10 grams per day, the increase in blastogenesis was even greater.

What did the study conclude from these results?

"In the light of mounting evidence that *in vitro* [test-tube] lymphocyte reactivity correlates well with the prognosis of cancer-bearing patients, ascorbic acid may prove to be a valuable adjunct to restore and improve the immunological competence of these patients," the three cancer specialists declared.

For his next study, Dr. Yonemoto plans to conduct actual clinical trials on patients at the City of Hope National Medical Center to conclusively prove that vitamin C *is* a "valuable adjunct" to cancer treatment.

Yet in 1974 two Scottish doctors, Ewan Cameron and Allan Campbell, *did* use vitamin C—not just as an adjunct—but to treat 50 "untreatable" cancer patients, those patients beyond the hope of any known therapy *(Chemico-Biological Interactions,* vol. 9).

Most of the patients in the study received 10 grams of vitamin C daily, in four divided doses.

In four patients the large doses of vitamin C produced a debacle rather than a miracle: the patients died in a matter of days. The vitamin C actually caused the tumors to hemorrhage and, because the tumors were so large, the bleeding proved fatal. Drs. Cameron and Campbell point out that

this reaction "is in fact a manifestation of the very strong defense reaction, and would certainly be regarded as a very favorable response in patients suffering from earlier and more localized lesions."

Seventeen patients showed no objective response but, subjectively, reported that they felt better and suffered less from pain.

Ten patients had what Cameron and Campbell call a "minimal response": they took a slight turn for the better before going downhill, as expected.

In 11 patients, the cancer growth either stopped or regressed—but not all of the patients lived.

Three patients showed definite improvements. One of these, Case No. 45, is of particular interest.

Drs. Cameron and Campbell comment on Case No. 45: "The initial response to intravenous ascorbic acid was very dramatic indeed and far exceeded clinical expectations. Within 10 days of commencing therapy, the patient claimed to feel quite fit and well, and had been transformed from a 'dying' into a 'recovering' situation" (*Chemico-Biological Interactions,* vol. 11, 1975).

This patient's daily dose of vitamin C was then steadily reduced and finally stopped.

The cancer symptoms returned.

The patient was readmitted to the hospital, where he received continuous intravenous infusion of vitamin C, 20 grams per day for two weeks, followed by 12.5 grams per day orally. What happened?

"A slow but sustained clinical improvement has resulted." The patient, we have learned, is still living.

We must be cautious, of course, in assessing the response of these cancer patients to vitamin C. It would have been unethical to withhold vitamin C from a "control group" of 50 terminal cancer patients, thereby obtaining statistically significant, objective results. So, of necessity, the study could not "prove" that vitamin C helps cancer patients to recover. In evaluating their own study, Drs. Campbell and Cameron write: "Our clinical findings support the general contention that large doses of ascorbic acid enhance natural resistance to cancer."

That is, significantly enough, also the conclusion of Dr. Yonemoto and his co-workers.

And in reviewing the single case where vitamin C proved effective in halting cancer not only once, but twice, the authors comment: "We know from our expanding clinical experience that such dramatic therapeutic response would occur relatively infrequently in advanced cancer. However, we think that it would be equally unreasonable to regard the present case report as a unique occurrence. Further trials are clearly indicated to ascertain the precise role of ascorbic acid supplementation in cancer management."

It is these "further trials," the systematic, controlled and accurate study of cancer patients receiving vitamin C, that are indeed needed. And if the evidence presented in this article has any validity, if vitamin C *is* a powerful addition to the treatment of cancer, then these studies are not merely needed, they are an ethical imperative. □

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**'The pages of *Prevention* come to life' was how it struck our reporter when he attended this unusual medical convention.**

# Doctors Who Like People

**Dominick Bosco**

WHAT'S IT LIKE to be surrounded by 300 doctors? That's one of the things I wanted to find out when I flew to the International Academy of Preventive Medicine convention in Kansas City, Missouri.

Actually, without their white coats, doctors blend in very nicely with any group of well-dressed people. I knew beforehand, though, that these were doctors *with a difference*. These men and women did not gather to discuss new surgical techniques or the latest drugs. Instead, they came to the middle of America to speak and learn about how to *avoid* surgery and dangerous drugs.

I knew that many of these doctors didn't even *own* white coats. Nonetheless, when I found myself sharing a coffeehouse breakfast table with a young doctor from Oklahoma, I couldn't help but look for signs of "doctorness" about him. By the time we were on a first name basis, around the time when the melon rinds were taken away and his oatmeal and my omelet had arrived, I had my first unmistakable impression. Bob, or Dr. Kiess, had been convinced—not in medical school, but by reading and personal discovery—that nutrition was a crucial factor in health and disease. Through group meetings and discussions with individual patients, he was attempting to improve the nutritional know-how of the people in his rural practice, where the dietary staples of many people were beans and potatoes. Seeking to increase his knowledge, he had come, as I did, in search of information about natural healing and prevention in hospitals, clinics, and private offices across the land.

Neither of us was disappointed.

When I first saw Elizabeth Rees, M.D., from Castro Valley, California, my first impression was, "Here is a physician who means business." After she began to speak, I realized how much of an understatement that was. Dr. Rees matter-of-factly went through dozens of case studies of people she had helped regain health after hair analysis had shown disease-causing mineral imbalances in their bodies.

Pointing out the special advantage of hair analysis plus other methods of diagnosis such as blood and urine tests, she said, "You don't see the same thing in hair as in other tests."

Apparently, Dr. Rees is right, since quite a few of her patients previously had no luck with physicians using conventional means of diagnosis. One woman mentioned by Dr. Rees had persistent eczema which conventional therapy failed to relieve. Hair analysis showed that the woman had abnormally low levels of chromium in her body. Subsequent chromium supplementation helped her more than any treatment had ever done.

Dr. Rees found that one woman suffering from multiple sclerosis had abnormally high levels of aluminum in her body. She called aluminum "dangerous, and apparently toxic." A fireman with multiple sclerosis had high levels of lead and cadmium in his body.

Dr. Rees went on to cite the dangers of heavy metal poisoning lurking in things many of us come into contact with every day. Hair dyes that are brushed or combed in to gradually change hair color contain lots of lead. And many women's cosmetics contain mercury, a pollutant which can severely damage the nervous system. Dr. Rees commented that among dentists, who work with mercury in tooth fillings, mercury poisoning is six times more frequent than the average. And dentists, perhaps as a result, have the highest rate of depression and suicide of any professional group, she added.

To cap her discussion of health hazards in the environment, Dr. Rees said she had been asked many times by parents what a good diet for children contained. "I tell them: Eliminate junk," she said. I looked around the audience as she said this, and just before breaking into energetic applause, everyone *smiled* and *nodded*. Although such information is hardly news to the PREVENTION reader, it was encouraging to see so many *doctors* who agreed.

### Two Kinds of Medicine

Of course, not all doctors agree. Many adhere stubbornly to the myth of the "balanced diet," which refuses to acknowledge that there is such a thing as junk food. That was what Bernard Rimland, Ph.D., a psychologist from San Diego, California, spoke about to the same meeting room jam-packed with listeners. Some of the people had to sit on the floor or hear the speech through a loudspeaker set up in the hall. Dr. Rimland said, in explaining the difference between PREVENTION-style doctoring—he called it *orthomolecular* healing—and conventional, or *toximolecular* medicine:

"Orthomolecular healing is the attempt to achieve optimum health through the use of substances, such as vitamins and minerals, which are a *normal* part of the body's processes."

The high number of hospital admissions for adverse drug side effects "may be because an M.D. is a doctor of *medicine*, trained to use medicine—drugs—not the body's own healing powers," Dr. Rimland speculated.

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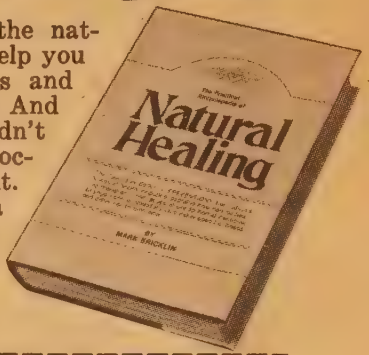


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(8.)

The fact that more and more people are catching on to the difference between PREVENTION-style healing and drug doctoring was driven home dramatically by Dr. Michael Lesser's happy announcement that the Governor of California had just signed into law a bill requiring medical insurance companies such as Blue Cross to offer coverage for orthomolecular as well as conventional treatments. The room exploded with vigorous applause following this news from the young psychiatrist from Berkeley, California. And for a good five minutes afterwards, Dr. Lesser was still delivering his speech through an unsuppressed, triumphant grin. For this new law not only meant recognition by the legislature of our most populous state, but also that orthomolecular treatment would now become available to thousands of people who can obtain only medical care covered by their insurance.

Dr. Lesser remarked that the "integrated, holistic" approach to healing was the method that had the best chance of working. "Successful healing programs consider the psychological, physical, biochemical, social, and spiritual portions of a person's life."

Apparently Dr. Lesser joins as many of these factors as possible in treating each patient. "Substitute a good habit for a bad one," is an example of integrating the psychological and biochemical aspects of a patient's treatment. An alcoholic has the bad habit of drinking too many glasses of


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liquor. So one of the first things Dr. Lesser does is require the person to drink frequent glasses of *water* as a substitute. He also banishes tobacco and coffee from the lives of his addicted patients, since the use of tobacco and coffee seems to stimulate the craving for alcohol. "One poison makes you want other poisons," he said.

### B Vitamins and Magnesium for Nerves

You don't have to be an addict to benefit from this "hydration" treatment. Dr. Lesser said that most people are dehydrated and that their coated tongues are evidence of toxins present in their systems. He advises his patients to drink generous amounts of water each day until their tongue clears. Cases of depression have also cleared up following this prescription.

Often, there are vitamin or mineral supplements riding that water down. Dr. Lesser uses megavitamin therapy as well as hydration. Magnesium supplements have restored lost sexual potency to several of his male patients. "Alcoholics usually have a specific deficiency of magnesium," he added. Those haunted by insomnia get megadoses of inositol, the B complex factor. Some of his patients get caught in the web of depression *and* insomnia. Megadoses of thiamine and niacin often come to their rescue.

As a PREVENTION editor, I felt right at home during most of the convention, and, if I may say so, I even felt a little proud that PREVENTION was the pioneer in bringing the


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10.

idea of preventive medicine and natural healing to people who don't read the vanguard medical journals or attend conventions. As a matter of fact, I think any PREVENTION reader would have appreciated the conference's spirit of helping people to *help themselves to health.* In a way, attending the convention was like a walk through an issue of PREVENTION come to life.

That feeling occurred to me during the speech of Michael Schachter, M.D., a physician from Nyack, New York. Dr. Schachter outlined a program for health which sounded very much like the PREVENTION system. He began by indicting chemicalized (non-organic) agricultural methods and overdeveloped food processing procedures for having a detrimental effect on the country's nutrition. Discussing the effects of food additives on hyperactive children and Dr. Ben Feingold's diet, which is designed to eliminate dangerous chemicals, Dr. Schachter said many *adults* may also be allergic to artificial colorings and preservatives.

When Dr. Schachter's patients ask him about developing "the optimum diet"—and if they don't ask him, he tells them anyway—he advises them, simply, to eat *whole foods,* organic foods, raw fruits and vegetables. Dietary needs are also reviewed on an individual basis and patients with food sensitivities are given further instruction. Excellent nutrition, he points out, is vitally important during pregnancy and early childhood, and breast-feeding is the best way to insure proper nutrition for the infant.

Now any PREVENTION reader lis-

tening to Dr. Schachter could not have helped but feel that, with more and more young physicians coming around to these ideas, the "Prevention Doctors" are really on the way, as editor Bob Rodale said recently. Many doctors, in fact, told me that their patients brought copies of the magazine with them on their office visits and said things like: "Look at this. Why don't you try this?"

Now a lot of doctors don't like anyone, especially their patients, telling them their business. But, obviously, the PREVENTION doctor, or one who is potentially a PREVENTION-style doctor, differs in that he or she believes that a person has the right—or the duty—to take the initiative when it comes to personal health.

### A Revealing Story and Helpful Hints for Women

For me, the highlight of the conference was when Carlton Fredericks, Ph.D., president of the International Academy of Preventive Medicine, told the story of Danny, a boy with cerebral palsy (spastic). Danny's doctor asked Dr. Fredericks, at the urging of the little boy's mother, for a nutritional regimen that might help the boy.

"So I advised a dietary plan complete with supplements, especially wheat germ oil, which I knew had shown some promise in the treatment of cerebral palsy," he related. "I gave the plan to the mother on the day Danny came in to the doctor's to be fitted for a back brace. One month later, he returned to receive the brace. But it didn't fit! *Danny's muscles were growing back.* Thereafter,


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his mother sent me a photograph of Danny every so often to keep me posted on his improvement. In the seventh picture—I wish I had it here for you—all you could see was a colorful blur which looked like something moving too fast for the camera to capture it. *It was a picture of Danny riding by on his new bicycle.* And you know, I've got to tell you this, I showed those pictures to the medical director of a cerebral palsy association, describing Danny's case. He returned the pictures, but never asked me what the child was getting."

The excitement generated by Dr. Fredericks' speech did not die when he was through, for two other pioneers in the art of natural healing joined him on the stage for a panel discussion on nutrition: Frederick Klenner, M.D., the Reidsville, North Carolina, physician who has used megadoses of vitamin C to bring relief in a wide range of maladies, and Roger Williams, Ph.D., emeritus professor at the University of Texas, whose work and writing have advanced the cause of "nutrition against disease."

As I sat and listened to these men informally but authoritatively field questions from the audience, I thought about all the people who would be helped when their doctors, coming home from this convention, brought with them these nuggets of natural healing.

Carlton Fredericks pointed out that older men whose prostate gland was growing painfully enlarged, a not uncommon condition, could increase their comfort through large doses of vitamin C, wheat germ oil, vitamin

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$B_6$, and vitamin E.

I learned that calcium pantothenate—a form of the B vitamin pantothenic acid—was "nature's tranquilizer."

Dr. Fredericks answered one doctor's question, how he could help women going through menopause, by explaining that "a woman who is anxious and insecure *before* menopause is not going to turn into a model woman during menopause. You have to treat her *before* menopause," he advised. "Vitamin E works well for a number of women with flushes. Calcium, B complex vitamins, and lecithin should also be given."

Backing up a bit on the cycle of a woman's life, Dr. Fredericks said that bothersome and lengthy menstrual periods could be partially relieved with nutritional methods: "Increasing nutrition with special regard to B vitamins and protein can reduce menstruation from five days to three days and also relieve distressing symptoms."

I discovered that as much as the conference was like a trip through an issue of PREVENTION, there was one big difference. When the moderator ended the panel discussion, and called the convention to a close, the hall roared with applause as the doctors gave a farewell standing ovation. I think they were clapping to show more than their appreciation for the interesting and informative program. They were acting on behalf of their patients, saying a hearty "Thank You" for the promise of good health without the threat of dangerous drugs. □


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# How We Get Our Kids to Eat Better (or Try, Anyway!)

## *Part 2 of a* Prevention *Roundtable*

*Executive editor Mark Bricklin continues our informal discussion with Darnelle Clark, Carol Petrakovich, Suzanne Estes, Carol Baldwin and Lee Ann McCullagh.*

---

**Mark:** Let's go over some of the experiences we've had when we tried to improve the kind of food we're feeding our children. Why don't we start with Carol Baldwin.

**Carol B.:** Every time I introduce a new food to my 10-year-old, chances are she will never even taste it. Because it's different from what she's used to. And that's the biggest problem I have.

**Mark:** How does that make you feel when that happens?

**Carol B.:** It makes me angry. Because I want her to try it and give it a chance, but she won't. Or she will after a lot of coaxing, but she'll take such a little tiny piece that I don't see how she could make any kind of decision from it. Actually, she makes a decision the minute she sees it. If it doesn't look right, she won't even taste it.

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**A mineral far too scarce in the American diet is believed to help protect against heart disease, leukemia and birth defects.**

# Magnesium, the Triple Protector

**John Feltman**

IN THE FIELD OF personal nutrition, magnesium is gaining new status.

It now looks as though maintaining optimum levels of magnesium in the diet could be a key factor in avoiding three of the most dreaded scourges of Western civilization: heart disease, cancer and birth defects.

Let's take a look at the problem of heart disease first. Animals placed on a diet deficient in magnesium begin to display evidence of heart muscle damage within just five days, H. Alexander Heggtveit, M.D., told the Second International Symposium on Magnesium held in Montreal last May. Dr. Heggtveit, who is professor of pathology at the University of Ottawa, explained that at first, rats deprived of the mineral developed calcified deposits and other abnormalities inside the cells of their heart muscles. After about 14 days, those injuries were visible under the microscope as small particles of dead heart tissue.

Such damage occurs rapidly after magnesium is removed from the diet, Dr. Heggtveit stressed, and is practically irreversible, even in the early stages.

There is strong evidence that lack of magnesium plays a decisive role in human heart ailments as well. When Dr. Heggtveit examined heart muscle from victims of fatal heart attacks, he found that certain portions contained up to 42 percent less magnesium than heart muscle of individuals who died of other causes. Such magnesium deficiency may predispose the human heart to fatal arrhythmias, or disturbances in the heart's natural beating rhythm, he concluded.

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*A low-magnesium diet very similar to the typical U.S. diet was found to cause spontaneous heart attacks in animals.*

Unfortunately, there is ample evidence that many people are not getting enough magnesium in their food. Addressing the same conference, Mildred S. Seelig, M.D., M.P.H., noted that magnesium has been declining steadily in the U.S. diet since 1900—largely as a result of food processing and changes in food preferences.

Most of the magnesium in wheat, for example, is found in the germ portion of the kernel. When that is stripped away during the milling process, our bread and other baked goods are seriously impoverished. In addition, Dr. Seelig pointed out, "Certain chemical additives, or chelates, used to keep frozen vegetables a nice bright shade of green actually pull out essential metals, including magnesium."

### Magnesium and Heart Attacks

Dr. Seelig, who is attending physician in charge of nutrition metabolism at Goldwater Memorial Hospital, Roosevelt Island, New York, has published a great deal on the role of magnesium in human health. "The big question now," she told the scientists assembled in Montreal, "is what happens to the heart and arteries when man is forced to live on a marginal intake of magnesium?"

For one thing, Dr. Seelig said, studies with animals fed fatty, atherosclerosis-inducing diets reveal that the buildup of dangerous deposits on artery walls is actually *intensified* when the magnesium supply is cut back.

She described another low-magnesium experimental diet for animals, developed in Hungary, "which is disconcertingly similar to the typical U.S. diet and which triggers spontaneous infarction [heart attack]." Dr. Seelig termed this development "very alarming." In the Hungarian study, she continued, 80 to 90 percent of the test animals suffered heart seizures. When cholesterol was removed from the diet, though, that figure dropped to 60 percent—still a disastrous toll. However, when magnesium was added back into the diet at five times the original level, the animals were *totally protected* from heart attack.

A similar protective mechanism may be working in areas where the drinking water is naturally hard, and thus rich in magnesium and other minerals. In a study by five Canadian

researchers headed by T. W. Anderson, B.M. (equivalent of M.D.), Ph.D., of the University of Toronto's department of preventive medicine and biostatistics, heart tissue samples were collected at autopsy in 83 cases of accidental death, and analyzed for their mineral content.

Dr. Anderson found that hearts from soft-water areas of Ontario contained seven percent less magnesium than those from hard-water areas. None of the other minerals analyzed varied significantly between the hard- and soft-water areas (*Canadian Medical Association Journal*, August 9, 1975).

For years, statisticians have known of a correlation between water hardness and the incidence of heart disease. Simply stated, in regions of the world where drinking water is soft, or lacking in dissolved minerals, fatal heart attacks occur more frequently than in hard-water areas. Dr. Anderson's latest findings strongly indicate that magnesium is the protective factor in hard water.

"Highly-refined Western diets may supply barely adequate amounts of magnesium," Dr. Anderson and his colleagues warned, "so that the additional water-borne magnesium could be critical."

In still other areas, magnesium in the *soil* rather than in the drinking water may be the critical factor. Two physicians at the University of Oulu and the University of Helsinki in Finland have reported finding only one-third as much magnesium in the soil of eastern Finland as in the southwestern part of the country. The incidence of fatal heart attacks is nearly twice as high in the low-magnesium sector (*Medical World News*, February 1, 1974).

If magnesium did no more than help protect against heart disease, its essentiality as a food supplement would certainly be assured. But as we mentioned at the outset, there is also intriguing evidence that this remarkable mineral may somehow help to ward off certain types of cancers.

### Why Some Parts of Poland Have High Leukemia Rates

In a recent interview with PREVENTION, Julian Aleksandrowicz, M.D., director of the Hematological Clinic, Institute of Internal Medicine, Krakow, Poland, reported that there appears to be a definite link between leukemia and lack of magnesium in the diet.

"Incidence of cattle leukemia is significantly higher in northern regions of our country when compared with that in the southern part of Poland," Dr. Aleksandrowicz explained.

"It seems worth mentioning that the borderline between parts of Poland in which leukemia is frequent and those in which it is rare is sharply demarcated. This borderline reflects the former borders of occupation of our country before the First World War, by the Prussians on the one side (the northern parts) and the Russians and Austrians on the other (southern parts)."

According to Dr. Aleksandrowicz, the Prussians in the north practiced a highly intensive type of agriculture which eventually depleted the croplands of magnesium. The Austrians and the Russians, on the other hand,

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followed the more "old-fashioned" ways of natural farming, in which magnesium and other important soil minerals were replenished by the application of manure and rock fertilizers.

Taking these observations a step further, Dr. Aleksandrowicz and his colleagues separated a number of laboratory mice into two groups. The first group was fed a magnesium-deficient diet, while the second group was fed a diet containing adequate levels of the mineral. Then all the animals were exposed to lethal doses of radiation, a potent cancer-causing agent. Many animals died, but a significantly greater number of the magnesium-fed mice were able to withstand the tremendous stress and survive.

As a result of this and other experiments, Dr. Aleksandrowicz came to the conclusion that ample magnesium is vital to the successful functioning of the body's immune system, which must fight off cancer and infections. Dietary deficiency of magnesium, he says, leads to "immunologic paralysis" and hence, disaster.

Human leukemias are very rare in the Far East, Spain, Venezuela and certain other countries where dietary levels of magnesium are relatively high. But in Western Europe and the U.S., where food processing and refining is the rule, leukemia is on the rise. A similar geographical pattern exists for heart disease also. "It is not accidental," Dr. Aleksandrowicz says, "that these two diseases—infarcts [heart attacks] and lymphatic leukemias—in civilized countries correspond with magnesium deficit in organisms of sick people and in soil, water and vegetation."

Citing an example from his own country, Dr. Aleksandrowicz told us that the incidence of acute and chronic leukemia had risen significantly in several areas of Poland since 1960, but not in other sections. "According to our geologists and hydrologists, the latter areas are characterized by high magnesium content in the soil and in the drinking water."

As a result of such findings, Dr. Aleksandrowicz and his co-workers have developed a special bread for distribution throughout Poland, which is fortified with magnesium and other mineral elements. "We are looking to supplement the Polish diet with more magnesium because atherosclerosis and leukemia are becoming more and more common among our people," he says.

### Low Magnesium Threatens Offspring

Still a third major problem facing society today, in addition to cancer and heart disease, is the tragedy of birth defects. In its booklet, *Facts: 1975,* the National Foundation/March of Dimes reports that "Birth defects are the No. 1 child health problem in our country. Every year more than 200,000 American babies are born with some type of defect, mental or physical. That's one in 14, or about 600 babies a day—about seven percent of all live births."

In addition, the Foundation says, "There are some 500,000 spontaneous abortions, stillbirths, and miscarriages each year due to defective fetal development."

There are many factors behind those appalling statistics: drugs and

x-rays given during pregnancy, inherited disorders, and various toxic chemicals have all been implicated as causes of birth defects. There is also undeniable evidence that at least some of these abnormalities can stem from a mother's dietary deficiencies during pregnancy.

For example, when pregnant rats are fed a diet deficient in magnesium, they usually fail to carry their young to term. That was reported to the Montreal magnesium symposium by Dr. Lucille S. Hurley of the University of California at Davis department of nutrition. In a later experiment, Dr. Hurley and her colleagues fed other pregnant rats a diet with only a "relatively mild" deficiency of the mineral, to simulate the kind of borderline deficiency human mothers are likely to encounter.

Even on this partial-magnesium regimen, there was still a high number of miscarriages, according to Dr. Hurley. Even more alarming, many of the fetuses that did survive were grotesquely deformed. Some had serious skeletal deformities. Hydrocephalus was also common. This is an abnormal increase in the amount of cerebrospinal fluid within the cranial cavity, which enlarges the skull and forehead. The brain never fully develops. In other instances, the newborn rats had extra digits (the equivalent of a sixth finger or toe on a human baby).

In addition, the surviving young rats tended to have a lower birth weight than animals born to rats receiving adequate magnesium. This in itself has serious implications, because as the National Foundation fact book notes, "Although low birth weight is not a cause of birth defects, babies who come into the world too soon or too small are more likely to have a defect."

### Getting Enough Magnesium Into the Diet

Dr. Hurley's findings were given added urgency by another paper presented at Montreal by Nancy E. Johnson, Ph.D., of the department of nutritional sciences, University of Wisconsin. In a dietary study involving 47 Wisconsin women from the fifth month of pregnancy until delivery, Dr. Johnson and a co-worker found that the women's daily magnesium intake ranged from 103 to 333 milligrams. Average intake was 204 mg. "Not a single woman surveyed was getting the Recommended Dietary Allowance of 450 mg. set for pregnancy," Dr. Johnson noted.

In fact, 98 percent of the women were consuming less than 70 percent of the RDA, and 79 percent were getting little more than half.

"Based on these findings, I would say it's very difficult for pregnant women to ingest enough magnesium to meet the RDA," Dr. Johnson concluded.

The Wisconsin study also found a definite relationship between the quality of the mother's diet (largely determined by varying levels of magnesium and vitamin $B_1$) and the birth weight of their infants.

With so much evidence that the typical modern diet may be critically lacking in magnesium, what can the young woman concerned about the health of her future children, or the man or woman seeking protection

(19.)

from heart disease, do to step up intake of this valuable mineral?

Whole grains, wheat germ, fresh peas, soy flour, peanuts, almonds, cashews and sunflower seeds are all good sources of magnesium. But even careful food choices can't really guarantee that you'll be meeting the RDA —350 mg. for adult men, 300 mg. for women.

That's why several scientists who have studied the problem—including Dr. Aleksandrowicz in Poland and Dr. Anderson in Canada—recommend taking magnesium supplements daily in protective amounts. One widely-available form of supplemental magnesium is magnesium oxide. Dolomite, prepared from pure, powdered dolomitic limestone, is another. Four dolomite tablets, for example, provide about 400 mg. of magnesium. (Potencies may vary depending on formulation. Check the label for exact amounts.)

Magnesium is turning out to be important in so many ways, we think it makes the best of sense to put this hard-working mineral to work for you every day. □

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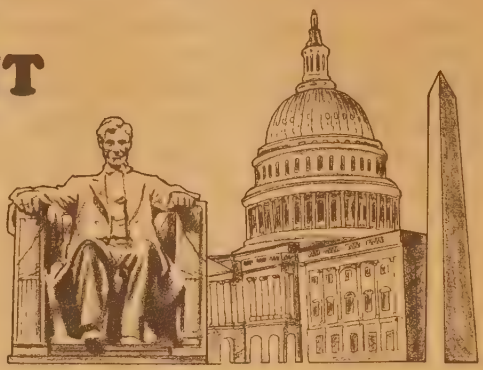
## Big Cavity Appears in Safety Record of Fluoridated Water

Mice given drinking water which was fluoridated with the same concentrations used in public water supplies suffered bone marrow and chromosome damage. Aly H. Mohamed, Ph.D., professor of biology at the University of Missouri in Kansas City, told PREVENTION that such damage probably would lead to miscarriages, stillbirths and birth defects. Both small and large amounts of fluoride caused damage. The scientist added, though, that his finding did not necessarily mean that humans would suffer similar damage. And even if they did, they would be less likely to produce abnormal offspring, he said.

Commenting on Dr. Mohamed's findings, Dr. Edward Groth III of the National Research Council asked, "How much risk is acceptable for sounder teeth? Is it morally correct to use the water supply to distribute this medicine? Science can tell you what the effects of fluoride are going to be, but there's no way science can tell you whether you ought to take that risk."

Dr. Mohamed did not say whether the mice given fluoride had healthier teeth.

# YOUR GOVERNMENT AND YOUR HEALTH



## Chemicals to be screened for safety

After almost six years of battling, Congress has passed legislation designed to protect the public from the introduction of potentially harmful substances into the environment. Entitled the Toxic Substances Control Act, the new law directs the Environmental Protection Agency to require chemical manufacturers to test potentially dangerous products before they are marketed. Manufacturers must give the EPA 90 days' notice before a substance goes into production to give the federal agency time to evaluate safety data.

The new law does not apply to food, food additives, drugs or pesticides, which are regulated by other agencies.

Environmentalists warned that the new rules may be inadequate to stem the tide of cancer-causing chemicals into the environment. Sidney Wolfe, head of Public Citizens Health Research Group, said that over the past 10 years, "a flood of chemicals causing cancer and possible mutations has been poured into the environment. This law is a very weak gate against that flood." An attorney for the Environmental Defense Fund, Jacqueline M. Warren, said the new law would provide a "long, slow, cumbersome process" that places the burden of proof of safety on the government instead of the industry.

## Marijuana use in glaucoma studied

The federal government has approved a study to determine if marijuana has any beneficial effects in the treatment of glaucoma, a serious eye disease. The condition, in which fluids from the eye fail to drain properly, thereby creating pressure on the optic nerves, eventually leads to blindness.

Dr. John C. Merritt, a Howard University ophthalmologist, will give marijuana, either in cigarette form or in capsules containing the

drug's active ingredient, to as many as 50 persons suffering from glaucoma to see if it will help control the effects of the disease. Previous tests have shown that marijuana will not cure the disease, but is effective in relieving eye pressure for up to eight hours. Other researchers from the Medical College of Georgia are currently testing eye drops containing synthetic marijuana to see if they have any beneficial effect.

## FDA upholds cyclamate ban

After a review of existing toxicity data, the Food and Drug Administration has refused to allow the reintroduction of cyclamate as an artificial sweetener, thus upholding a ban imposed in 1969. At the same time, the agency was accused of acting illegally by allowing the continued use of saccharin, another artificial sweetener whose safety is still in doubt.

FDA Commissioner Dr. Alexander Schmidt said that "after extensive study of the petition and other information, including consideration of a report evaluating all available data relating to the carcinogenicity of cyclamate by a group of experts . . . the data submitted in support of the petition do not establish that cyclamic acid, calcium cyclamate and sodium cyclamate are safe for their intended use." Abbott Laboratories, the company which developed and marketed the cyclamates, whose sales once reached $1 billion a year, said it would request a full hearing on the matter.

Regarding saccharin, Wisconsin Senator Gaylord Nelson, a frequent critic of the FDA, said the government agency had violated the law by allowing continued use of the sweetener without "making final determinations of safety." In 1970, studies suggested that saccharin caused bladder cancer in rats. The FDA says that definitive studies on the safety of saccharin are expected to be completed early this year.

## DDT substitute found for moth pest

In what was described as a "promising new chapter . . . in forest pest management," the Environmental Protection Agency recently announced the development of a naturally-occurring virus pesticide to control the tussock moth. The virus is important because it will eliminate the use of DDT to control the moth, which is particularly devastating to fir trees in the Pacific Northwest. Said EPA Administrator Russell E. Train: "I certainly hope it will be the death knell for DDT in forest use." In 1974, Train allowed emergency use of DDT to combat a massive moth infestation.

DDT, which has been banned for general use for three years, has not disappeared completely from the environment. Traces of it have turned up in the breast milk of some nursing mothers.

## Police ills costly for taxpayers

Out-of-shape police officers who drink too much coffee and smoke too many cigarettes are costing taxpayers extra money in disability benefits, says a $619,000 study financed by the Law Enforcement Assistance Administration. The study points out that—in addition to their smoking and coffee habits—many police officers are overweight, follow poor nutritional practices, and fail to get enough exercise. As a result, police often suffer from heart and circulatory ailments which force many officers into an early retirement. One survey showed that of 5,570 officers who left their jobs in 1975, 14 percent retired early because of medical or physical disabilities. Heart attacks, high blood pressure and circulatory diseases were the most frequent reasons, while back trouble ranked next. Injuries received in the line of duty ranked third.

## Johnson Wax tells aerosol success story

The Johnson Wax Company has successfully halted the use of fluorocarbon gas propellants in its many spray products, and the head of the firm, Samuel C. Johnson, says other companies could do the same if they wanted. "Any major company should be able to do it, given a two-year lead time," he said. "It was easy for us."

The company had been moving away from fluorocarbon use in its aerosol products for some time before the final decision was made because of cost as well as safety reasons. "There were some companies which were not very happy with us, but sometimes we do our own thing, and this time we did our own thing," Johnson said. He said his company, in addition to substituting non-fluorocarbon propellants, was moving toward the use of non-aerosol, hand-pump products. A National Academy of Sciences study has warned of a possible link between fluorocarbon use and a depletion of the atmospheric ozone layer that shields the earth from damaging ultraviolet rays from the sun.

## Limits set on plastics plant emissions

Plants producing vinyl chloride and two other related chemicals will be required to cut emissions by 80 percent, to a maximum of between 0.1 and 0.3 parts per million, under new EPA standards. The reductions are designed to protect an estimated 4.6 million people who live within five miles of the 58 plants now producing the plastics. Concentrations of the chemicals had ranged between one and three parts per million (10 times the new limit) when measured in 1974-75. The new pollution control equipment is expected to cost manufacturers an estimated $198 million before the job is completed.

Vinyl chloride gas used in the plastics industry has been linked to a

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rare form of liver cancer among workers. Wives of workers have been found to have a higher-than-average rate of miscarriages. In addition, central nervous system birth defects have occurred more frequently in three Ohio communities where those plastics are made.

## Aspirin safety in pregnancy questioned

Aspirin and similar painkillers should not be taken during the final three months of pregnancy, except under a doctor's supervision, an expert advisory panel has told the Food and Drug Administration. The panel found that aspirin can prolong labor and lengthen bleeding and clotting times in the mother and infant. The panel recommended that the FDA require a pregnancy label warning on aspirin and similar products. A spokesman for the FDA said that the agency would review the report before acting on it.

## Production of two pesticides halted

Two chemical companies, Ciba-Geigy of Greensboro, N.C., and Nor-Am Agricultural Products, Inc., of Chicago, have voluntarily halted the production and sale of the pesticides Galecron and Fundal because tests showed they may cause cancer in test animals. The Environmental Protection Agency, which praised the quick action of the two firms, said that the pesticides contained a chemical called chlordemiform, which was believed to be carcinogenic. The pesticides, which were not sold for use around the home, were mainly employed against cotton pests in agriculture.

## FDA cracks down on arthritis drug

The Food and Drug Administration has charged that the manufacturer of Naprosyn, an arthritis painkiller drug, allegedly covered up damaging test results. Doctors have reportedly been writing 100,000 prescriptions a month for the new drug, which is produced by Syntex Laboratories of Palo Alto, California. The FDA said the manufacturer failed to report that test rats developed tumors "and that many test animals examined after death had already entered advanced states of decomposition, rendering the examinations unreliable."

## Value of new drug products questioned

Although some therapeutic gains are made, the "majority of new [drug] products introduced today appear to duplicate already available and well-established agents," the World Health Organization has announced. Put simply, it means that most new products marketed by the pharmaceutical industry are apparently no better than those drugs developed earlier. □

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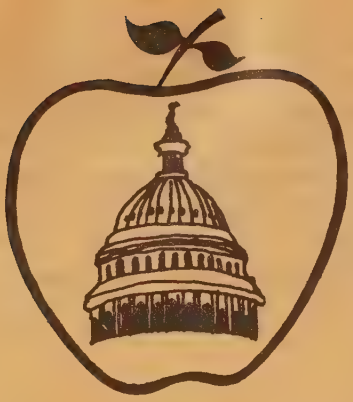

# Your Government And Your Health

In 1973 and 1974, a fire-resistant chemical called polybrominated biphenyl (PBB) accidentally found its way into the feed supply of Michigan livestock. Since that accident occurred, millions of dollars' worth of livestock has been destroyed. But the chemical seems to have entered the human food chain despite this slaughter. Michigan's public health director, Dr. Maurice Reizen, says that PBB has been found in the milk of 22 out of 26 nursing mothers tested. He says that "the problem may include a majority of new mothers" throughout the state.

Preliminary studies indicate that PBB causes cancer and birth defects in mice, says Dr. Thomas Corbett of the University of Michigan. He recommended against continuing breast-feeding even though levels have been discovered in only tenths of parts per million. There is little evidence showing what a safe level is.

As set by the Food and Drug Administration and Michigan health officials, the acceptable PBB level for meat, milk and some other dairy products is .3 parts per million, while in eggs it is .05 parts per million. Food containing levels above these tolerances has been banned completely from the market.

While some Michigan scientists were worrying about PBB's, other scientists have discovered "worrisome" amounts of polychlorinated biphenyls (PCB's) in the milk fat of nursing mothers. The Environmental Protection Agency is now in the process of analyzing the milk of nursing mothers in a number of states to determine the overall pollution across the country. Thus far, mothers' milk has been tested in Maryland, Virginia, Michigan, North Carolina, New Jersey, Alabama, Florida, Georgia, Pennsylvania and South Carolina.

Unlike PBB's, PCB's have already been determined to be extremely dangerous. Dr. Arthur Selikoff, an environmental chemist at Mt. Sinai Medical Center in New York, said he was "loathe to have any children exposed—

this is an unpleasant piece of news we didn't expect."

There have been reports of serious disease, brain and nervous disorders, stunted growth and deaths in the nursing infants of rhesus monkeys who are fed PCB's. Some of the milk contained approximately three parts per million of PCB's which is close to the measurements found in human mothers' milk. Anything higher than 2.5 ppm in the fatty part of whole milk on grocers' shelves is considered unsafe by the FDA.

A move is presently underway in Congress to ban the production of PCB's over the next three years. Recently, the U.S. House of Representatives voted to ban the chemicals.

Over the past several years more than 1,000 deaths have been linked to abuse of the mild painkiller Darvon. As a result, the drug, the third most widely prescribed painkiller being used today, may wind up on the controlled substances list. If it does, there would be limits to the number of prescription refills the patient could get, and pharmacists would have to keep the drug under lock and key. In addition, pharmacists would have to keep records of all prescriptions handed out. The government maintains that the move is being taken to make doctors and pharmacists more cautious in prescribing and dispensing Darvon.

U.S. Representative Benjamin F. Rosenthal and The Center for Science in the Public Interest have released a joint report charging that some of the country's top university nutritionists have sold out to the food industry, leaving consumers without a source of unbiased advice and criticism. For example, they report that one member of Harvard's Department of Nutrition is on the board of directors for the Continental Can Company and has testified on behalf of Kellogg, Nabisco, Carnation, the Cereal Institute and the Sugar Association. In addition, the report noted that the University of Wisconsin's Food Research Institute received over $600,000 last year from companies such as Kellogg, Nestlé, Campbell, Kraftco and General Mills.

A movement toward physical fitness is not exactly taking the country by storm, but more and more industries and government agencies are beginning to sit up and take notice. Recently, for example, 20 employees of the Michigan Department of Public Health in Lansing were permitted to take time off, with pay, to participate in various fitness programs during working hours. The effort was begun in an attempt to cut down absenteeism, and increase performance on the job.

Elsewhere, between 300 and 400 Justice Department employees in Washington, D.C., are getting individual fitness programs which they can work on (on their own time) in the department's well-equipped exercise room.

Dr. Richard O. Keelor of the President's Council on Physical Fitness and Sports says that some 300 companies across the United States have programs of one kind or another, and the movement is growing. "There is a definite trend toward fitness programs in industry." During the past three years, he estimates, there has been a 10-fold increase in requests for help in starting new programs.

Women under 50 who show no symptoms of breast cancer or whose families have no history of the cancer are no longer given routine x-ray breast examinations at any of the 27 federally sponsored detection centers. This move came after a group of private consultants told the National Cancer Institute that the risks might outweigh the benefits of the tests. Officials of the NCI said: "We cannot recommend the routine use of mammography in screening asymptomatic women ages 35 to 50 years." But, the NCI did not completely rule out the tests for these women. The statement went on, "However . . . we do not recommend withholding mammography from a woman 35 to 50 years if she and the physician agree that it is in her best immediate interest."

Based on at least three studies which connect the use of popular tranquilizers during the first three months of pregnancy with malformations in infants, particularly cleft lip, the Food and Drug Administration has ordered the drug industry to warn doctors not to prescribe several of these tranquilizers for pregnant women. Those on the list include Valium and Librium, two of the most widely used drugs, as well as Miltown and Equanil.

FDA Commissioner Dr. Alexander Schmidt said that the studies "do not demonstrate conclusively" that the drugs cause birth defects. "But use of these tranquilizers during pregnancy is rarely a matter of urgency and their use during this time should almost always be avoided," he said.

The Environmental Protection Agency has found traces of the chemical Mirex in 38 out of 86 samples of human fatty tissue taken from a cross-section of residents of six Southern states, including Florida, Georgia, South Carolina, Alabama, Mississippi and Louisiana. Mirex, which is used throughout the South to fight the fire ant, is possibly carcinogenic.

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A study funded by the National Cancer Institute showed that a number of rats on low doses of Mirex developed liver tumors, which are usually precursors to cancer. This is normally a rare condition in these animals. Besides that, 61 percent of the animals who received Mirex died before the study ended, compared with 40 percent of those which had received none of the chemical. NCI scientist Dr. Robert A. Squire said, however, that the tests should be considered as a "preliminary screen" because of the low number of animals involved and the fact that a large number died early in the study.

Thus far the EPA, which is having a total of 500 human tissue samples analyzed, has found levels as high as 1.3 ppm. Presently, hearings are underway to determine whether or not to remove Mirex from the market. A decision is expected sometime in December.

There are an estimated 55 to 60 million smokers in America today, and that number does not seem to be going down, says Dr. Gio B. Gori, director of the Smoking & Health Program of the National Cancer Institute. Since restrictions on advertising do not seem to be working, the most obvious step is to develop a nonhazardous cigarette. Thus far, Dr. Gori said, researchers have produced a cigarette that is basically hot air with no tar, nicotine, carbon monoxide or hydrogen cyanide. "Unfortunately, they don't taste like much," he said. Presently, the objective is to find ways of putting desirable flavors into a low-hazard cigarette. However, Dr. Gori said there will probably never be a completely safe cigarette. "There'll always be some risk attached to smoking cigarettes. Anything organic that burns is likely to produce some hazard."

Although the federal government has known about the hazard from broken mercury vapor street lamps for months, nothing has been done about it, says Connecticut Congressman Toby Moffett. The Democrat said that some 100 serious injuries have been reported to the Bureau of Radiological Health in the Department of Health, Education and Welfare (HEW) over the past 18 months. He says these reports have been ignored.

There are presently an estimated 25 million of these lamps in use across the United States. When they are intact, they present no problem. However, when the outer globe is broken, the bulb may continue to burn, releasing dangerous levels of ultraviolet radiation. This can cause a variety of symptoms, including sudden signs of aging, skin burns, cataracts, temporary blindness and skin tumors. Says Moffett: "Although both HEW and the lamp manufacturers have long known about this hazard, they made almost no attempt to alert the public or to correct the situation." □

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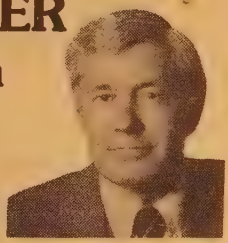

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| No. 1536-1—50 | $ 3.25 | $ 2.60 |
| No. 1536-3—100 | 6.00 | 4.80 |
| No. 1536-5—250 | 13.00 | 10.40 |
| No. 1536-7—500 | 24.00 | 19.20 |

| 400 I.U. CAPS | Reg. | NOW |
|---|---|---|
| No. 1538-1—50 | $ 5.50 | $ 4.40 |
| No. 1538-3—100 | 9.75 | 7.80 |
| No. 1538-5—250 | 20.95 | 16.75 |
| No. 1538-7—500 | 38.95 | 31.15 |

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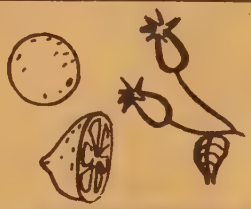
## Extra-strength Bioflavonoids and Rutin in a balanced C-COMPLEX formula!



# Barth's HI-C-PLEX-500

### 500 mg. Vitamin C and 100 mg. Bioflavonoids plus Rutin and Hesperidin in ONE tablet

Vitamin C, Bioflavonoids, Rutin and Hesperidin, found together as C-Complex in many foods, work in harmony in your system, combining their protective nutritive values for your benefit. Now Barth's offers you the highest potency *complete* C-Complex. ONE easy-to-take tablet supplies 500 mg. essential Vitamin C, plus Wild Rose Hips extract (16⅔ times minimum daily need), plus extra-high potencies of Bioflavonoids, Rutin and Hesperidin . . . much talked about related nutrients. Save on this important new supplement from Barth's . . . a name you can trust!

You get ALL these nutritive values in ONE tablet!
Vitamin C plus Wild Rose Hips extract ..500 mg.
Citrus Bioflavonoids .....100 mg.
Rutin (from Eucalyptus) ....50 mg.
Hesperidin Complex (from citrus fruits) .....25 mg.

***SPECIAL SAVINGS!*** *This month only**

| | Reg. | NOW |
|---|---|---|
| No. 1906-1—100 tablets | $ 6.95 | $ 5.20 |
| No. 1906-3—250 tablets | 14.50 | 10.85 |

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## LECITHIN and Natural Vitamin E . . . together!

# Barth's LEC-E-PLEX Capsules

### Pure Soybean LECITHIN (natural emulsifier) with Natural E-Complex (ALL 4 tocopherols)

TWO important nutrients that work in harmony — *both* in one small, easy-to-take capsule! Lecithin (natural "partner" of Vitamin E in many foods, and high in unsaturated fatty acids), helps to *disperse* and emulsify oils. You get this valuable "extra" teamed with high potency Natural E-Complex from fresh vegetable oils (d-alpha, beta, gamma, delta tocopherols). Your choice of 100, 200 or 400 Int'l Units.

***SPECIAL SAVINGS!*** *This month only**

**Offer ends Dec. 20, 1976*

| 100 I.U. VITAMIN E | Reg. | NOW |
|---|---|---|
| No. 1518-1—100 | $ 4.00 | $ 3.20 |
| No. 1518-3—500 | 18.00 | 14.40 |
| No. 1518-5—1000 | 34.00 | 27.20 |

| 200 I.U. VITAMIN E | Reg. | NOW |
|---|---|---|
| No. 1519-1—100 | $ 6.00 | $ 4.80 |
| No. 1519-3—500 | 24.00 | 19.20 |
| No. 1519-5—1000 | 45.00 | 36.00 |

| 400 I.U. VITAMIN E | Reg. | NOW |
|---|---|---|
| No. 1517-1—100 | $10.00 | $ 8.00 |
| No. 1517-3—250 | 20.00 | 16.00 |

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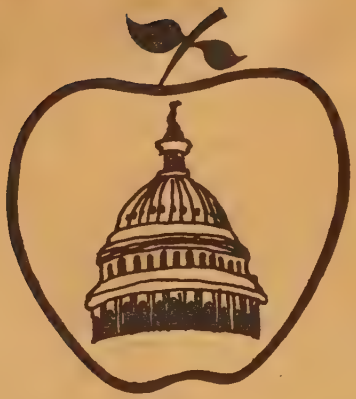

# Your Government And Your Health

"Warning! This product is unsafe for human consumption!" That statement may someday have to be applied to mothers' milk. Researchers recently found high levels of DDT in the milk of poor black women in Mississippi and Arkansas even though the pesticide has been banned for more than three years. In addition, other researchers from the Environmental Protection Agency have discovered polychlorinated biphenyls (PCB's) in amounts as high as 10.6 parts per million (ppm) in mothers' milk samples from 10 states. The average level was 1.7 ppm, half the level currently deemed safe for some food products.

Part of the problem is that no one seems to know just what these findings mean. Dr. James Allen, a University of Wisconsin researcher, has studied PCB contamination in monkeys, but levels of the industrial chemical were four times those found in the current human survey. He told PREVENTION that he is running long-term tests using amounts closer to those found in humans to determine what harmful effects, if any, occur. With large doses of PCB, the newborn nursing monkeys failed to gain weight, suffered hair loss and, if not taken off their mothers' milk, died.

The same lack of solid information applies to DDT. Researchers don't know what effect it has on humans. Dr. Patricia T. Bradt, a Lehigh University biologist who worked with DDT in the early 1970's, told PREVENTION that the pesticide apparently affected some enzyme actions in animals, but no studies have been done to determine DDT's effect on humans.

The Food and Drug Administration has added Red No. 4 and carbon black to its growing list of banned chemical food colorings. Carbon black was the principal color used to dye jelly beans and licorice black. Red No. 4 was used primarily as a coloring for maraschino cherries.

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In announcing the ban, the FDA said the red coloring may cause urinary bladder polyps and shriveling of the adrenal glands, and added that there is no reliable method for determining if a cancer-causing by-product is present in carbon black.

The FDA has announced that it will require stronger label warnings on estrogen drugs, the sex hormones often prescribed by physicians for women going through menopause. Within the past few months, estrogens have been linked to higher risks of cancer of the lining of the uterus. Besides that, estrogens have also been linked to an increased risk of breast cancer after a decade of use. The FDA says that women should be informed of the possible dangers so that they can decide for themselves whether or not the benefits outweigh the risks.

Federal health researchers are examining quarry workers at the Rockville Crushed Stone Co. for cancer after significant levels of cancer-causing asbestos fiber were found on the grounds of the Montgomery County, Maryland, concern. In addition, air and water monitoring is underway to determine if any health hazard exists for nearby residents. The asbestos was found on leaves, dust and roadways in and around the facility, a few miles northwest of Washington, D.C. "The fibers go for miles. I'm sure they are all over Washington and have been for decades," said Dr. Irving J. Selikoff, of New York's Mt. Sinai School of Medicine. Dr. Selikoff, an expert on the health hazards of asbestos, said the material is one of the most potent cancer-causing agents known to man. It causes a rare form of cancer in those who work with asbestos, as well as in those who live near asbestos plants.

Dr. Selikoff has predicted that an estimated 400,000 of the million Americans who work with the material will die from asbestos-induced cancer over the next 50 years unless medical breakthroughs occur in both early detection and early treatment of the disease.

The main emphasis in cancer research is on patient survival, *not* on finding a cure, the heads of two cancer organizations recently stated. Neither Dr. Benjamin F. Byrd Jr., president of the American Cancer Society, nor Dr. Guy R. Newell, deputy director of the National Cancer Institute, expressed much hope for finding an overall cure in the near future. Dr. Byrd told reporters at the eighth National Conference on Cancer Research and

Clinical Investigation in St. Louis that some methods of treating cancer such as surgery, radiotherapy, chemotherapy and immunization look promising. Unfortunately, there was no mention of cancer *prevention.*

After many people, including four doctors, spoke out against it, the Dade County, Florida, School Board has banned the sale of chocolate milk from all elementary and junior high school cafeterias. Last school year, some 10,000 students daily bought small packets of chocolate syrup which they added to their milk.

Board member Linton Tyler said that chocolate weakens the appetite for more nutritious food offered at school. He also said the use of chocolate could trigger dangerous allergies in young students. "If you put sugar and chocolate into the mouths of children . . . you're taking a responsibility on your shoulders you shouldn't take," Dr. Leonard Haimes, a North Miami Beach physician, advised the school board.

For the first time, National Cancer Institute scientists have correlated exposure to ultraviolet radiation from sunlight with skin cancer rates in various geographical areas. In a report compiled by Joseph Scotto and Drs. Thomas R. Fears and Gio Gori, skin cancer cases were found to be more common in places that had higher levels of ultraviolet radiation due to sunlight.

The scientists studied skin cancer data from four locations across the country, Dallas-Fort Worth, San Francisco-Oakland, Iowa and Minneapolis-St. Paul. Their observations were based on the number of cases of malignant melanoma and two more common forms of skin cancer, basal cell carcinoma and squamous cell carcinoma.

The scientists discovered that ultraviolet radiation was most intense from 11:00 a.m. to 1:00 p.m., when at least 30 percent of the daily total amount of ultraviolet radiation was measured. Sixty percent of the daily total amount was recorded between 10:00 a.m. and 2:00 p.m.

Indoor air pollution is finally being recognized as a public health problem. California has passed an "indoor clean air act" which calls for smokers to be separated from non-smokers in airplanes, trains, public meeting rooms and some restaurants in public buildings. Although no penalties exist for ignoring the regulations, individuals will be able to go to court for an order against violators.

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For the first time since 1967, the number of deaths from all kinds of heart disease dipped under the million mark last year. Possible reasons for the decline include changes in personal health habits such as less smoking, changes in diet and more exercise, says Dr. Robert Levy, director of the National Heart, Lung and Blood Institute. In addition, Dr. Levy believes the availability of more intensive-care units for heart attack victims, better training in ambulance procedures and earlier and better diagnosis of conditions that might lead to heart conditions have contributed to the decline. The truth is, though, that no one really knows the reason for the decline.

Citing questions of environmental safety, Mississippi, which operates the only plant producing the dangerous pesticide Mirex, wants to phase out production by mid-1978. Residues of Mirex, which has been used throughout the South to fight the fire ant, have recently been found in fatty tissues of people living in the South. Rats exposed to low doses of Mirex developed liver tumors, which are considered precursors of cancer.

The state acquired the plant from Allied Chemical Corporation, and had apparently planned to keep it in operation until news of the danger from Mirex surfaced. Then, in a letter to the Environmental Protection Agency, Mississippi's Commissioner of Agriculture said, "As there is a question as to the long-range effect that Mirex may have on the environment, it is obvious that the best way to minimize this potential danger is to reduce the amount of chemical Mirex placed in it."

PREVENTION analyzed the benefits and hazards of Mirex and called for a halt to its use as early as October, 1974.

Maintaining that proposed nutrition labeling regulations for fresh fruits and vegetables would pose "unreasonable problems for the growers, shippers and distributors of fresh fruits and vegetables," the United Fresh Fruit and Vegetable Association has petitioned the Food and Drug Administration to be allowed to use average nutrition values for these foods. The organization filed an 80-page technical report in which it maintained that fruits and vegetables vary widely in nutrient content.

For several years, the FDA has been proposing nutrition labeling for all products. Although the FDA has permitted fresh fruits and vegetables to go unlabeled temporarily, eventually they will require nutrition labeling on these foods. □

## Bran guards against many diseases

A famous doctor, selected by a nutritionists' group to address their convention, gave the following report: Only about 1 ounce of bran or fiber a day can help prevent such diseases as bowel cancer, varicose veins, hemorrhoids, heart attack, constipation and obesity. (He added that about 50% of us run a high risk of getting bowel cancer.) The cost of this simple natural method of prevention? About $6 or $7 a year. Certainly an insignificant sum to pay for better health, peace of mind and longer life!

## Panthenol — the hair thickening vitamin — now in a shampoo!

Now, as part of a continuing program of hair thickening and repairing, Barth's is introducing an extraordinary new shampoo. *Panthenol Shampoo & Hair Conditioner* is a balanced formula for men and women. Its rich, cleansing lather "washes" Panthenol into your hair . . . softening your hair and eliminating brittleness, helping to repair split ends, making your hair easier to manage, providing an attractive lustre, more body and a look of fullness. As an Introductory Offer you can order an 8 oz. bottle of Barth's new *Panthenol Shampoo & Hair Conditioner* (No. 2-4840) for just $2.40 (regularly $3.00); 3 for $6.40 (regularly $8.00). The offer ends Jan. 20, 1977 — so order today on page 208.

## Vitamin E helps diminish "crow's feet"

Telltale age lines ("crow's feet") start around the eyes. This delicate skin area, however, requires special care. Barth's *Eye Moisture Stick with Vitamin E,* (plus Nature's richest emollients: sunflower & sesame seed oils and lanolin), is perfectly safe and effective. A light dab on the area around the eyes is quickly absorbed, never greasy. Its gentle skin care qualities provide soothing natural moisture to soften and protect tender skin, help diminsh age lines. Order No. 2-7662 on page 208. One for $1.50; 3 for $4.00.

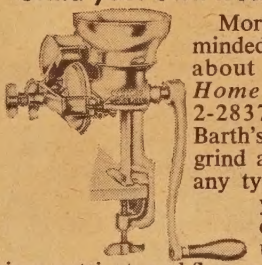
## You need Potassium for important bodily functions

Calcium, magnesium and protein depend on Potassium to do their essential work in the body. Other bodily functions also depend on Potassium. To get a dependable daily supply of this vital mineral, try Barth's exclusive *Naturo-Potassium.* This special formula provides a good supply of important Potassium in organic form for easy assimilation. Just 2 tablets daily supply 100 mg. Potassium (from potassium gluconate) in a base of deep-sea oyster shell. Order on page 208. No. 1924-1 (100 tablets) $2.00; No. 1924-3 (500) $8.00.

## How vitamins help smooth "age lines"

Yes, you can do something about dry, tiny lines and wrinkles! Simply massage a small amount of Barth's *Emollient Cream* (No. 2-7543) over your throat, chin, cheeks and forehead. (Anywhere wrinkling is a problem.) Leave it on overnight. As you sleep, your protected skin "drinks in" the same nourishing substances that help keep young skin lubricated, moisturized and healthy-looking. Use nightly. Let essential Vitamins A, D & E (plus other precious skin care oils) relax telltale lines and restore lost elements to your skin. 2 oz. jar $2.75; 3 for $7.50. Order on page 208.

## Grind your own fresh flour at home



More and more health-minded people are asking about the incomparable *Home Flour Mill* (No. 2-2837) available from Barth's. With it you can grind a pound a minute of any type grain — making your own flour, meal or cereals just before use. This saves precious nutrients and flavors lost when such products stay on a shelf. The sturdy cast iron mill adjusts to any grind. Make your own home-ground whole wheat or corn flour, oatmeal, or hard-to-find chestnut, rice, lentil, peanut or barley flour — and enjoy them at the peak of freshness and nutritional goodness. $19.98 ppd. Order on page 208.

## Sound, healthful sleep without drugs!

Imagine — healthful, restful sleep without sleeping pills, tranquilizers or sedatives! *The Natural Way to Healthful Sleep* is *must* reading for all troubled sleepers. Read about the author's safe, scientifically tested method of inducing sleep easily and naturally. His simple method can reduce tension and control external disturbances that rob you of sleep. Get a good night's sleep *every night.* Wake up fresh and revitalized. Happily, you can get the $4.95 hard cover edition from Barth's for just $1.50. Order *The Natural Way to Healthful Sleep* (No. 2-4630) on page 208.

Eleanor Levitt

270 W. Merrick Rd., Dept. PL,
Valley Stream, N.Y. 11582

**Hair getting thin? Try the vitamin that THICKENS your hair!**

# NEW! Barth's PANTHENOL "M" HAIR THICKENER for men

Men's hair is usually thinner than women's (making a man look older than his years). That's why Barth's has developed PANTHENOL "M" specifically for men. Its higher content of Panthenol (Vitamin B-5) helps to *thicken* and *strengthen* each strand . . . gives your hair a fuller, glossier, "young man's look" . . . repairs damaged hair and prevents brittleness. See the dramatic difference daily use can bring in *your* hair. Fully guaranteed by Barth's or your money back.

At left: Water treated hair.

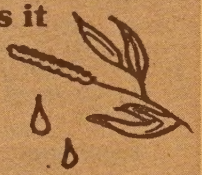
At right: Panthenol treated hair showing increase of up to 10% in thickness.

## SPECIAL SAVINGS! This month only*

| No. 2-4826 | Reg. | NOW | | Reg. | NOW |
|---|---|---|---|---|---|
| —6 oz. bottle | $3.00 | $2.40; | 3 bottles | $8.00 | $6.40 |

INTRODUCTORY OFFER!* Barth's PANTHENOL SHAMPOO (No. 2-4840) 8 oz. bottle — regular price $3.00 . . . **NOW $2.40** for limited time only

**The purest form of Vitamin E . . . as Nature provides it**



# Barth's Natural E-COMPLEX

**High potency of d-alpha . . . plus beta, gamma, delta tocopherols . . . in a base of pure Wheat Germ Oil**

Barth's keeps the natural relationship of *four* tocopherols intact by using the *first distillation* of pure natural vegetable oils. This yields d-alpha tocopherol in its *highest biological activity,* plus all the companion tocopherols as found in Nature. (Rich natural nutrients of Wheat Germ Oil are included to aid utilization.) In keeping with the contents natural purity, our capsules consist of beef bone gelatin derived from cattle fed by open grazing in chemical-free areas . . . another reason Barth's E is best!

## SPECIAL SAVINGS! This month only**

| 100 I.U. CAPS | Reg. | NOW | 200 I.U. CAPS | Reg. | NOW | 400 I.U. CAPS | Reg. | NOW |
|---|---|---|---|---|---|---|---|---|
| No. 1534-1—100 | $ 3.50 | $ 2.80 | No. 1536-1—50 | $ 3.25 | $ 2.60 | No. 1538-1—50 | $ 5.50 | $ 4.40 |
| No. 1534-3—500 | 14.50 | 11.20 | No. 1536-3—100 | 6.00 | 4.80 | No. 1538-3—100 | 9.75 | 7.80 |
| No. 1534-5—1000 | 26.00 | 20.80 | No. 1536-5—250 | 13.00 | 10.40 | No. 1538-5—250 | 20.95 | 16.75 |
| | | | No. 1536-7—500 | 24.00 | 19.20 | No. 1538-7—500 | 38.95 | 31.15 |

**LECITHIN and Natural Vitamin E . . . together!**

# Barth's LEC-E-PLEX Capsules

**Pure Soybean LECITHIN (natural emulsifier) with Natural E-Complex (ALL 4-tocopherols)**

TWO important nutrients that work in harmony — *both* in one small, easy-to-take capsule! Lecithin (natural "partner" of Vitamin E in many foods, and high in unsaturated fatty acids), helps to *disperse* and emulsify oils. You get this valuable "extra" teamed with high potency Natural E-Complex from fresh vegetable oils (d-alpha, beta, gamma, delta tocopherols). Your choice of 100, 200 or 400 Int'l Units.

## SPECIAL SAVINGS!

*This month only**

***Offer ends Jan. 20, 1977**

| 100 I.U. VITAMIN E | Reg. | NOW | 200 I.U. VITAMIN E | Reg. | NOW |
|---|---|---|---|---|---|
| No. 1518-1—100 | $ 4.00 | $ 3.20 | No. 1519-1—100 | $ 6.00 | $ 4.80 |
| No. 1518-3—500 | 18.00 | 14.40 | No. 1519-3—500 | 24.00 | 19.20 |
| No. 1518-5—1000 | 34.00 | 27.20 | No. 1519-5—1000 | 45.00 | 36.00 |

| 400 I.U. VITAMIN E | Reg. | NOW |
|---|---|---|
| No. 1517-1—100 | $10.00 | $ 8.00 |
| No. 1517-3—250 | 20.00 | 16.00 |

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